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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, Parts 2, 3, 4, 7, 8, 9, and 10 are amended as follows:

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

1. Section 2.102 (c) is amended to read as follows:

§ 2.102 *Competition restricted to veterans.* * * *

(c) (1) A position, examination for which has been restricted to veterans under paragraphs (a) or (b) of this section, may not be filled by appointment, reappointment, reinstatement, promotion, demotion, transfer, or reassignment of a non-veteran from outside the organizational entity in which the position exists, if there is a veteran in the employ of such entity in the local area who is qualified and available for promotion or reassignment to the position, or if there is a total of three or more veterans elsewhere who are qualified and available for an appointment of equal tenure.

(2) The restriction in subparagraph (1) of this paragraph shall not be applicable to the promotion, demotion, transfer, or reassignment of an employee (i) within the organizational entity or (ii) from one restricted position to another when both positions are covered by the same generic title. An organizational entity for this purpose shall be that part of an agency from which selections for promotion, transfer, or reassignment to the position are normally made.

2. Section 2.105 (b) is amended to read as follows:

§ 2.105 *Delayed filing of applications by veterans and persons serving overseas.* * * *

(b) Applications for an examination for probational appointment will be accepted after the closing date of such examination from the persons described below, subject to the conditions specified:

(1) Any person who was unable to file application for an examination or to appear for any assembled test because of service in the armed forces of the United States, or because of hospitalization continuing for not more than one year following discharge from such forces. He may file for any examination that was open during such service or hospitalization. He may also file application for any examination announced within 120 days of his separation from the armed forces or hospitalization. Application from such person may be filed while in the armed forces or during hospitalization, but must be filed within 120 days of honorable separation from such forces or from hospitalization and prior to the expiration of the register established as a result of the examination. A person serving in the armed forces or undergoing hospitalization will not be certified for appointment until he notifies the Commission that he will soon be available for appointment.

(2) Any citizen who was unable to file application for an examination or to appear for any assembled test because of foreign service with a Federal agency or an international organization in which the U. S. Government participates. He may file for any examination that was open during such foreign service. He may also file application for any examination announced within 120 days of his return from foreign service. Application from such person may be filed while in foreign service, but must be filed within 120 days of his return from foreign service and prior to expiration of the register established as a result of the examination. The applicant must certify, in his application or in a supporting statement, the facts which justify acceptance of his application under this subparagraph. He must show the Federal agency or international organization in which employed in foreign service, and the exact date of departure for and return from foreign service. "Foreign service" as used herein shall be service other than in the United States proper, Hawaii, Alaska, Puerto Rico, the Virgin Islands, and the Canal Zone.

(3) Any person who meets the conditions of subparagraph (1) of this para-

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

[1] P. L. O. 402
[2] See Misc. 2144049, Bureau of Land Management.
[3] See Title 18, Chapter II.

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graph and leaves the armed forces to enter foreign service with a Federal agency, or an international organization in which the U. S. Government participates, and thus meets the conditions of subparagraph (2) of this paragraph, may file application within 120 days of his return from foreign service for examinations that were open either while he was in the armed forces or while he was in foreign service or that were announced within 120 days of his return from foreign service. Application must be filed prior to the expiration of the register established as a result of such examination.

3. Section 2.107 (b) is amended to read as follows:

§ 2.107 *Eligible registers.* * * *

(b) When an eligible register has been established as the result of open competitive examination, the names of the following classes of persons may be entered thereon, provided they have a competitive status:

(1) Persons declared eligible by the Commission after appeal from separation under section 14 of the Veterans' Preference Act;

(2) Veterans who have been furloughed or separated without delinquency or misconduct, or who have resigned from the service, and applied for reentry of their names on such register.

Application for entrance on a register under this paragraph must be filed within 90 days of separation or failure of restoration or reemployment. Applicants shall be examined under the same standards used in the open competitive examination and their names shall be entered on the register in the order prescribed by paragraph (a) of this section.

4. In § 2.108 *Termination of eligibility* subdivisions (ii) and (iii) of paragraph (a) (2) are deleted.

5. Section 2.111 (a) is amended to read as follows:

§ 2.111 *Selection for appointment.* (a) An appointing officer shall, with sole reference to merit and fitness, make selection for the first vacancy from among the highest three eligibles available for appointment on the certificate. For the second vacancy he shall make selection from among the three highest unselected and available eligibles on the certificate. Each succeeding vacancy shall be filled in like manner. An appointing officer shall not be required to consider any eligible (1) who has been considered by him for three separate appointments from the same or different certificates, or (2) to whose certification for the particular position he has made an objection which has been sustained by the Commission for any of the reasons stated in § 2.104.

6. Section 2.112 is amended to read as follows:

§ 2.112 *Appointments may be subject to investigation.* (a) In the following types of appointments investigation designed to further establish the individual's qualifications may be made at any time within eighteen months of the personnel action and removal may be ordered by the Commission if such investigation discloses that the individual is disqualified for Federal employment, and all such appointments shall be considered as subject to this condition:

(1) Original probational.

(2) Reappointments.

(3) Reinstatements.

(4) Temporary appointments pending establishment of a register.

(5) Temporary appointments which exceed or are extended beyond six months.

(6) Inter-agency transfers.

(7) Conversions from excepted, war service indefinite, or temporary indedefinite appointments to competitive appointments.

(b) The condition "subject to investigation" shall expire automatically at the end of eighteen months from the effective date of the personnel action, except in a case in which the Commission has made an initial adjudication of disloyalty and the case continues to be active by reason of an appeal. In cases on which the Commission's jurisdiction has expired and the case is incomplete or an initial adjudication has not been made, it shall be the responsibility of the employing agency to conclude such investigation and make a final determination concerning the loyalty of such person.[1]

7. Section 2.113 (b) is amended to read as follows:

§ 2.113 *Probational appointment.* * * *

(b) The following service will be counted toward completion of the probationary period:

(1) Service in the armed forces of the United States during a national emergency when the employee entered such service during his probationary period.

(2) All continuous service under war service indefinite appointment or temporary appointment rendered immediately preceding probational appointment, or acquisition of status under § 3.1 (b) (5) and (7) of Rule III, which was in the same line of work and in the same agency as the position to which probationally appointed or in which status is acquired.

PART 3—ACQUISITION OF A COMPETITIVE STATUS

1. In § 3.102 (a) the introductory text and subparagraphs (1) and (2) are amended to read as follows:

[1] E. O. 9835.

§ 3.102 *Certain persons entitled to veteran preference.* (a) Any person who establishes the present existence of a service-connected disability of not less than ten percent, or any person entitled to wife or widow preference under the Veterans' Preference Act, when such person is serving under a war-service indefinite appointment, a temporary appointment pending establishment of a register, or a temporary appointment for job employment which has been continuous for more than one year, may acquire a competitive status subject to the following requirements:

(1) The employee shall have served satisfactorily in, and been recommended by the agency concerned. However, the Commission may request an agency to determine whether or not it will recommend the employee for status under this section and shall assume that recommendation has been made unless the agency makes an adverse recommendation within thirty days of receipt of the Commission's request.

(2) If the employee has not satisfactorily completed one year of service, he will be required to serve a one-year probationary period. All continuous service in the same or a different agency, which was in the same line of work as the position in which status is acquired, may be counted toward completion of such probationary period.

2. Section 3.105 (a) and (b) are amended to read as follows:

§ 3.105 *Employees who have been reached on a register.* (a) An employee who was serving when his name was within reach for probational appointment on a civil service register appropriate for the position in which he was serving may acquire a competitive status subject to the following requirements:

(1) He has been continuously employed since his name was reached on such register.

(2) He is recommended for a competitive status, prior to expiration of the register on which his name appears, by the agency in which he was employed when his name was reached.

(b) Such employee will be required to serve a one-year probationary period.

3. A new section is added to this part and reads as follows:

§ 3.108 *Apportionment.* When a competitive status is acquired in an apportioned position there shall be a charge against the State of the employee's legal or voting residence except when the employee is a veteran. However, the apportionment restrictions shall not be applied unless the acquisition of status is based on the employee's standing on a competitive register.

PART 4—GENERAL PROVISIONS

Subparagraphs (6), (7), (10), (11), and (17) of § 4.301 (a) are amended to read as follows:

§ 4.301 *Definitions.* (a) As used in the regulations in Parts 1 to 10 of this chapter: * * *

(6) "Continuous service" means an active duty status but may include not

more than one break in service of less than thirty calendar days.

(7) "Demotion" means a change from one position to another position of lower grade or lower minimum salary while serving continuously within the same agency.

* * * * *

(10) "Promotion" means a change from one position to another position of higher grade or higher minimum salary while serving continuously within the same agency.

(11) "Reassignment" means a change, without promotion or demotion, from one position to another position in a different line of work (such as from clerk to stenographer, chauffeur to guard, etc.) or in the same line of work (such as from clerk-searcher to clerk-recorder) or in service (such as subprofessional to clerical, administrative and fiscal) while serving continuously within the same agency.

* * * * *

(17) "Transfer" means a change of position during continuous Federal service without a break of one work day from one agency to another, or within the same agency from one official headquarters to another or from one organizational unit to another.

PART 7—REINSTATEMENT

1. Section 7.103 (b) is amended to read as follows:

§ 7.103 *Commission approval required for certain reinstatements.* * * *

(b) Prior approval for reinstatement must be obtained from the Commission when:

(1) It is desired to make an exception to the qualifications standards for the position to which reinstatement is proposed.

(2) The Commission has not issued qualifications standards for such position unless reinstatement is to be made to a position in the same (or lower) grade in the same line of work as a position previously held in the Federal service.

(3) The reinstatement of a non-veteran is desired to a position the filling of which is restricted by § 2.102 (c) (1) of this chapter.

2. Section 7.104 is amended to read as follows:

§ 7.104 *Agency authority for reinstatement.* (a) The Commission hereby delegates authority to agencies to reinstate any person who meets the requirements of § 7.101 except where a certificate of the Commission is required by § 7.103 (a), or prior approval must be obtained in cases falling under § 7.103 (b).

(b) The Commission may disapprove any reinstatement, or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this part have not been followed.

PART 8—PROMOTION, DEMOTION, REASSIGNMENT, AND TRANSFER

Sec.

8.101 General requirements for promotion, demotion, reassignment, and transfer of employees who have competitive status.

8.102 Commission approval required for certain promotions, demotions, reassignments, and transfer.

8.103 Agency authority for promotion, demotion, reassignment, or transfer.

8.104 Status and tenure unchanged.

§ 8.101 *General requirements for promotion, demotion, reassignment, and transfer of employees who have competitive status.* (a) An employee having a competitive status may be promoted, demoted, reassigned, or transferred subject to the following requirements:

(1) The qualifications standards of the Commission for promotion or reassignment to the position must be met.

(2) An employee serving in a position in the clerical, administrative and fiscal service classified at Grade 7 or a comparable or higher salary level, who has served continuously in the field or non-apportioned service of an agency for at least the three years immediately preceding, may be transferred, promoted, demoted, or reassigned to an apportioned position not lower than Grade CAF–7 in the same agency without regard to the apportionment. In all other transfers, promotions, demotions, or reassignments the employee must be eligible under the apportionment quota restrictions of § 2.110 of this chapter unless he is a veteran or has previously served in the apportioned service. However, the Commission may, upon request of the agency, waive the apportionment when the transfer, promotion, demotion, or reassignment is in the interest of good administration.

(3) He must complete the probationary period in the new position if he is promoted, demoted, reassigned, or transferred before completion of probation.

§ 8.102 *Commission approval required for certain promotions, demotions, reassignments, and transfer.* (a) A certificate by the Commission authorizing the promotion, demotion, reassignment, or transfer must be obtained by an agency when a waiver of the apportionment is necessary and requested in the interest of good administration.

(b) Prior approval for promotion, demotion, reassignment, or transfer must be obtained from the Commission when:

(1) It is desired to make an exception to the qualifications standards for the position to which promotion, demotion, reassignment, or transfer is proposed.

(2) The Commission has not issued qualifications standards for such position unless reassignment, demotion, or transfer is to be made to a position in the same (or lower) grade in the same line of work as the position presently or previously occupied by the employee.

(3) When the promotion, demotion, reassignment, or transfer of a non-veteran is desired to a position the filling of which is restricted by § 2.102 (c) (1) of this chapter.

§ 8.103 *Agency authority for promotion, demotion, reassignment, or transfer.* (a) The Commission hereby delegates authority to agencies to promote, demote, reassign, or transfer an employee who meets the requirements of § 8.101 except where a certificate of the Commission is required by § 8.102 (a), or prior approval of qualifications must be obtained in cases falling under § 8.102 (b).

(b) The Commission may disapprove any promotion, demotion, reassignment, or transfer, or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this part have not been followed.

§ 8.104 *Status and tenure unchanged.* (a) The status or tenure of an employee will not be changed by promotion, demotion, reassignment, or intra-agency transfer under this part. No time limit administratively placed on an appointment by inter-agency transfer shall affect the employee's right to permanent tenure in the agency in which employed unless he was transferred to a position with a time limitation of six months or less.

PART 9—SEPARATIONS AND DEMOTIONS

1. In § 9.101 paragraphs (a), (b) (1), and the introductory text of (b) are amended to read as follows:

§ 9.101 *Agency responsibility for separation or demotion of employees.* (a) The employing agency shall remove, demote, or reassign to another position any employee in the competitive service whose conduct or capacity is such that his removal, demotion, or reassignment will promote the efficiency of the service. The grounds for disqualification of an applicant for examination stated in § 2.104 of this chapter shall be included among those constituting sufficient cause for removal of an employee.

(b) The discretion vested in the appointing officer to remove employees under his jurisdiction, or to take other disciplinary action, is subject only to the following restrictions:

(1) Employees serving under other than a probational or temporary appointment in the competitive service, and employees having a competitive status who occupy positions in Schedule A or B, shall not be removed or demoted except for such cause as will promote the efficiency of the service and in accordance with the procedure prescribed in § 9.102.

2. In § 9.102 (a) the introductory text and subparagraph (1) are amended to read as follows:

§ 9.102 *Procedure in separating or demoting permanent and indefinite employees.* (a) One of the following procedures shall be followed in connection with the removal, involuntary separation (other than retirement for age or disability), furlough in excess of 30 days, or demotion of any permanent or war service indefinite employee in the competitive service unless he is serving a probational or trial period, or any employee having a competitive status who occupies a position in Schedule A or B. The procedural requirements of this sec-

tion shall not apply to any person serving under temporary appointment, or whose removal is requested by the Commission under § 5.4 of Rule V.

(1) *Charges preferred against non-veteran employees.* Prior to separation or demotion for cause or capacity, the agency shall notify the employee in writing of the action proposed to be taken. This notice shall set forth specifically and in detail the charges preferred against him. The employee shall be allowed a reasonable time for personally answering such charges in writing and for furnishing affidavits in support of his answer. He shall not, however, be entitled to an examination of witnesses nor a trial or hearing except in the discretion of the agency. If the employee answers the charges, his answer must be considered by the agency. If, upon consideration of the evidence, the agency determines that the removal or other action is warranted, the employee shall be notified in writing of the reasons for the action taken and its effective date. Copies of the charges, notice of hearing (if any), answer, reasons for removal or other action, and of the notice of action taken shall be made a part of the records of the department or agency concerned.

PART 10—SPECIAL TRANSITIONAL PROCEDURES

1. Section 10.101 (a) (2) is amended to read as follows:

§ 10.101 *Method of filling vacancies.* (a) * * *

(2) The requirements of Parts 7 and 8 of this chapter must be followed whenever a vacancy is filled noncompetitively by a person having a competitive status.

2. Section 10.103 is amended to read as follows:

§ 10.103 *Promotion, demotion, reassignment, and transfer of war service indefinite employees during the transitional period.* (a) Except as provided in § 10.101 (a), any employee who, during his current continuous service, has served under a war service indefinite appointment may be promoted, demoted, reassigned, or transferred if he meets the qualifications standards of the Commission for promotion or reassignment to the position.

3. Section 10.104 is amended to read as follows:

§ 10.104 *Promotion, demotion, reassignment, and transfer of temporary indefinite employees during the transitional period.* (a) Except as provided in § 10.101 (a), an employee serving under temporary indefinite appointment may be promoted, demoted, reassigned, or transferred only within the same agency. Such employee must meet the qualifications standards of the Commission for promotion or reassignment to the position.

4. Section 10.105 is amended to read as follows:

§ 10.105 *Agency authority to make promotions, demotions, reassignments, transfers and reappointments during the transitional period.* (a) The Commission hereby delegates authority to agencies to promote, demote, reassign, transfer, or reappoint any employee who meets the requirements of this part, except that prior approval to take such action must be secured when a non-veteran is proposed for a position the filling of which is restricted by § 2.102 (c) (1) of this chapter. Prior approval of the qualifications of the person proposed for promotion, demotion, reassignment, transfer, or reappointment must be obtained from the Commission when:

(1) It is desired to make an exception to the qualifications standards for the position to which promotion, demotion, reassignment, transfer, or reappointment is proposed.

(2) The Commission has not issued qualifications standards for such position unless reassignment, demotion, transfer, or reappointment is to be made to a position in the same (or lower) grade in the same line of work as the position presently or previously occupied by the employee.

(b) The Commission may disapprove any promotion, demotion, reassignment, transfer, or reappointment, or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this part have not been followed.

5. Section 10.106 is amended to read as follows:

§ 10.106 *Tenure under this part.* (a) The tenure of an employee will not be changed by promotion, demotion, reassignment, transfer, or reappointment under this part unless he is assigned to a position with a time limitation of six months or less. However, an employee who has served under war service indefinite appointment and then received an excepted appointment shall be considered as having a war service appointment when promoted, demoted, reassigned, transferred, or reappointed under this part.

6. Section 10.113 *Release requirements for appointment, reappointment, reinstatement, or transfer under the regulations in this chapter* is revoked.

(Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ARTHUR S. FLEMMING,
Acting President.

[F. R. Doc. 47-8243; Filed, Sept. 5, 1947; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 237, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order, as amended.* (1) The provisions in subparagraphs (b) (1) and (2) of § 953.344 (Lemon Regulation 237, 12 F. R. 5838), are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 31, 1947, and ending at 12:01 a. m., P. s. t., September 7, 1947, is hereby fixed at 375 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 237 (12 F. R. 5838) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 4th day of September 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-8287; Filed, Sept. 5, 1947; 8:48 a. m.]

[Lemon Reg. 238]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.345 *Lemon Regulation 238*—(a) *Findings.* (1) Pursuant to the market-

ing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 7, 1947, and ending at 12:01 a. m., P. s. t., September 14, 1947, is hereby fixed at 275 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 237 (12 F. R. 5838) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 4th day of September 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-8286; Filed, Sept. 5, 1947; 8:48 a. m.]

[Orange Reg. 194]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.340 *Orange Regulation 194*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 7, 1947, and ending at 12:01 a. m., P. s. t., September 14, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1,800 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 4th day of September 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 7, 1947, to 12:01 a. m. Sept. 14, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0717
A. F. G. Fullerton	1.0260
A. F. G. Orange	.7465
A. F. G. Redlands	.2287
A. F. G. Riverside	.1269
A. F. G. San Juan Capistrano	.8971
A. F. G. Santa Paula	.3549
Corona Plantation Co	.2357
Hazeltine Packing Co	.3602
Placentia Pioneer Valencia Growers Association	.6583
Signal Fruit Association	.0783
Azusa Citrus Association	.4301
Azusa Orange Co., Inc	.1334
Damerel-Allison Co	.8220
Glendora Mutual Orange Association	.3731
Irwindale Citrus Association	.2805
Puente Mutual Citrus Association	.2055
Valencia Heights Orchards Association	.4214
Glendora Citrus Association	.3425
Glendora Heights O. & L. Growers Association	.0304
Gold Buckle Association	.5821
La Verne Orange Association	.6328
Anaheim Citrus Fruit Association	1.3489
Anaheim Valencia Orange Association	1.5712
Eadington Fruit Co., Inc	2.1043
Fullerton Mutual Orange Association	1.7933
La Habra Citrus Association	1.1283
Orange County Valencia Association	.7811
Orangethorpe Citrus Association	1.2309
Placentia Cooperative Orange Association	.7586
Yorba Linda Citrus Association, The	.6081
Alta Loma Heights Citrus Association	.0921
Citrus Fruit Growers	.1397
Cucamonga Citrus Association	.1505
Etiwanda Citrus Fruit Association	.0411
Old Baldy Citrus Association	.1299
Rialto Heights Orange Growers	.0959
Upland Citrus Association	.3942
Upland Heights Orange Association	.1482
Consolidated Orange Growers	1.9213
Frances Citrus Association	1.0414
Garden Grove Citrus Association	1.6193
Goldenwest Citrus Association, The	1.4575
Irvine Valencia Growers	2.3916
Olive Heights Citrus Association	1.8623
Santa Ana-Tustin Mutual Citrus Association	1.0147
Santiago Orange Growers Association	4.2700
Tustin Hills Citrus Association	1.8082
Villa Park Orchards Association	1.8301
Andrews Brothers of California	.4564
Bradford Brothers, Inc	.7526
Placentia Mutual Orange Association	1.7061
Placentia Orange Growers Association	2.7781
Call Ranch	.0709
Corona Citrus Association	.4973
Jameson Co	.0722
Orange Heights Orange Association	.3592
Break & Son, Allen	.0552
Bryn Mawr Fruit Growers Association	.2583
Crafton Orange Growers Association	.3994
E. Highlands Citrus Association	.0840
Fontana Citrus Association	.0692
Highland Fruit Growers Association	.0495

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Krinard Packing Co	0.2546
Mission Citrus Association	.1346
Redlands Cooperative Fruit Association	.3969
Redlands Heights Groves	.4473
Redlands Orange Growers Association	.2550
Redlands Orangedale Association	.2766
Redlands Select Groves	.1574
Rialto Citrus Association	.1470
Rialto Orange Co	.1465
Southern Citrus Association	.1997
United Citrus Growers	.1411
Zilen Citrus Co	.0652
Andrews Brothers of California	.1084
Arlington Heights Fruit Co	.1131
Brown Estate, L. V. W	.1287
Gavilan Citrus Association	.1506
Hemet Mutual Groves	.1095
Highgrove Fruit Association	.0756
McDermont Fruit Co	.1665
Mentone Heights Association	.0710
Monte Vista Citrus Association	.2023
National Orange Co	.0398
Riverside Heights Orange Growers Association	.0853
Sierra Vista Packing Association	.0572
Victoria Avenue Citrus Association	.1714
Claremont Citrus Association	.1116
College Heights O. & L. Association	.1589
El Camino Citrus Association	.0804
Indian Hill Citrus Association	.1457
Pomona Fruit Growers Exchange	.3462
Walnut Fruit Growers Association	.4206
West Ontario Citrus Association	.3524
El Cajon Valley Citrus Association	.3048
Escondido Orange Association	2.3548
San Dimas Orange Growers Association	.4901
Covina Citrus Association	1.0386
Covina Orange Growers Association	.3871
Duarte-Monrovia Fruit Exchange	.1621
Santa Barbara Orange Association	.0498
Ball & Tweedy Association	.5952
Canoga Citrus Association	.8935
N. Whittier Heights Citrus Association	.7905
San Fernando Fruit Growers Association	.3769
San Fernando Heights Orange Association	.9279
Sierra Madre-Lamanda Citrus Association	.3245
Camarillo Citrus Association	1.4449
Fillmore Citrus Association	3.4405
Mupu Citrus Association	2.4360
Ojai Orange Association	.8352
Piru Citrus Association	1.8400
Santa Paula Orange Association	.9737
Tapo Citrus Association	1.0011
Limoneira Co	.3837
E. Whittier Citrus Association	.3897
El Ranchito Citrus Association	1.0827
Murphy Ranch	.4172
Rivera Citrus Association	.5272
Whittier Citrus Association	.7067
Whittier Select Citrus Association	.4827
Anaheim Cooperative Orange Association	1.5140
Bryn Mawr Mutual Orange Association	.0914
Chula Vista Mutual Lemon Association	.0886
Escondido Cooperative Citrus Association	.3218
Euclid Avenue Orange Association	.3967
Foothill Citrus Union, Inc	.0321
Fullerton Cooperative Orange Association	.5170
Garden Grove Orange Cooperative, Inc	.7555
Glendora Cooperative Citrus Association	.0544

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Golden Orange Groves, Inc	0.3760
Highland Mutual Groves	.0318
Index Mutual Association	.2286
La Verne Cooperative Citrus Association	1.7038
Olive Hillside Groves	.7001
Orange Cooperative Citrus Association	1.2738
Redlands Foothill Groves	.4879
Redlands Mutual Orange Association	.1673
Riverside Citrus Association	.0263
Ventura County O. & L. Association	.7974
Whittier Mutual O. & L. Association	.2301
Babijuice Corporation of California	.5920
Banks Fruit Co	.2287
Banks, L. M	.6091
Borden Fruit Co	.9952
California Fruit Distributors	.1528
Cherokee Citrus Co., Inc	.1410
Chess Company, Meyer W	.2622
Escondido Avocado Growers	.0211
Evans Brothers Packing Co	.2070
Gold Banner Association	.2766
Granada Hills Packing Co	.0606
Granada Packinghouse	1.7707
Hill, Fred A	.0759
Inland Fruit Dealers	.0286
Mills, Edward	.0019
Orange Belt Fruit Distributors	2.3924
Panno Fruit Company, Carlo	.0433
Paramount Citrus Association	.2401
Placentia Orchards Co	.4713
San Antonio Orchards Co	.4303
Santa Fe Groves Co	.0490
Snyder & Sons Co., W. A	.4723
Stephens, T. F	.0844
Sunny Hills Ranch, Inc	.1142
Ventura County Citrus Association	.0137
Verity & Sons Co., R. H	.0349
Wall, E. T	.1333
Webb Packing Co	.1620
Western Fruit Growers, Inc., Ana	.0179
Western Fruit Growers, Inc., Reds	.6396
Yorba Orange Growers Association	.7299

[F. R. Doc. 47-8285; Filed, Sept. 5, 1947; 8:48 a. m].

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5452]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FRIEDMAN-KLEIN SALES CO.

§ 3.99 (b) *Using or selling lottery devices; in merchandising.* In connection with the offering for sale, sale, or distribution of any merchandise in commerce, (1) supplying to or placing in the hands of others any merchandise, together with push or pull cards, punch boards, or any other lottery device, which said push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing such merchandise to the public; (2) supplying to or placing in the hands of others push or pull cards, punch boards, or other lottery devices, either with any merchandise or separately, which push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing such merchandise to the public; or (3) selling or otherwise disposing of any merchandise by the use of push cards, pull cards, punch boards, or other lottery devices; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Friedman-Klein Sales Company, etc., Docket 5452, July 17, 1947]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 17th day of July A. D. 1947.

In the Matter of Jack Klein and Martin D. Friedman, Individuals Trading as Friedman-Klein Sales Company and Western Novelty Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents Jack Klein and Martin D. Friedman, individuals, trading as Friedman-Klein Sales Company and Western Novelty Company or trading under any other name or names jointly or severally, their representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of any merchandise in commerce, as "Commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from directly or indirectly:

(1) Supplying to or placing in the hands of others any merchandise, together with push or pull cards, punch boards, or any other lottery device, which said push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing such merchandise to the public;

(2) Supplying to or placing in the hands of others push or pull cards, punch boards, or other lottery devices, either with any merchandise or separately, which push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing such merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by the use of push cards, pull cards, punch boards, or other lottery device.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 47-8218; Filed, Sept. 5, 1947; 9:47 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter II—Tennessee Valley Authority

WHEELER NATIONAL WILDLIFE REFUGE

AGREEMENT BETWEEN TENNESSEE VALLEY AUTHORITY AND UNITED STATES DEPARTMENT OF INTERIOR, FISH AND WILDLIFE SERVICE

The following agreement was entered into under date of August 12, 1947, by Tennessee Valley Authority and the Department of the Interior, Fish and Wildlife Service, pursuant to Executive Order No. 7926, issued July 7, 1938 (3 F. R. 1669) as amended by Executive Order No. 9790, issued October 14, 1946 (11 F. R. 12121), for the purpose of effecting the elimination from the existing Wheeler National Wildlife Refuge of approximately 4,270.30 acres of land situated in Morgan and Madison Counties, State of Alabama:

This agreement, made and entered into as of this 12th day of August, 1947, by and between Tennessee Valley Authority (hereinafter called TVA) and the United States Department of the Interior, Fish and Wildlife Service (hereinafter called Department.

Witnesseth: Whereas, the Department and the TVA have cooperated in the administration of the Wheeler National Wildlife Refuge established by Executive Order No. 7926 issued July 7, 1938; and

Whereas, the Department and the TVA have engaged in studies of the boundaries of said refuge and determined that certain adjustments in said boundaries are now desirable in the interests of the Government and the public; and

Whereas, pursuant to such studies and determinations, it appears that the elimination from the refuge of certain lands in Morgan and Madison Counties, Alabama, is in the public interest and is consistent with the purposes of the Tennessee Valley Authority Act as amended (16 U. S. C. Sec. 831, 831a et seq.) and the Migratory Bird Conservation Act (16 U. S. C. Sec. 715a et seq.); and

Whereas, the President of the United States, by Executive Order No. 9790 issued October 14, 1946, authorized the parties to exclude lands from the refuge by entering into a formal agreement designating the areas to be excluded and by publishing the agreement in the Federal Register, without requiring further action by the President or otherwise;

Now, therefore, in consideration of the premises, the parties hereto agree as follows:

1. The hereinafter described lands which lie within the Wheeler National Wildlife Refuge and consist of some 4,270.30 acres, more or less, in Morgan and Madison Counties, Alabama, are hereby eliminated from said refuge. The Department hereby relinquishes all rights to the use of said lands and full jurisdiction over said lands hereby reverts to the Authority for the purposes of the Tennessee Valley Authority Act as amended.

2. The parties certify that the exclusion of the hereinafter described areas from the refuge is in the public interest and is consistent with the Tennessee Valley Authority Act as amended and the Migratory Bird Conservation Act.

3. The property hereby excluded from the refuge is described in Appendices A, B, and C, attached hereto and made a part hereof.

4. All valid rights under existing permits or licenses respecting the aforementioned lands are hereby continued, and full administration of such permits or licenses is hereby transferred to the Authority.

5. This agreement, after its formal execution by the parties, shall be published in the FEDERAL REGISTER in accordance with Executive Order No. 9790 issued October 14, 1946.

In witness whereof, the parties have caused this agreement to be executed by their duly authorized representatives as of the day and year first above written.

NOTE: The lands excluded from Wheeler National Wildlife Refuge by virtue of the above agreement are described in supplemental maps, which are on file and may be inspected at the Division of the Federal Register.

TENNESSEE VALLEY AUTHORITY,
[SEAL] By GEORGE F. GANT,[1]
General Manager.
UNITED STATES DEPARTMENT OF INTERIOR,
FISH AND WILDLIFE SERVICE,
By WILLIAM E. WARNE,
Assistant Secretary of the Interior.

APPENDIX A

WHEELER RESERVOIR AREA IN MADISON COUNTY, ALABAMA, PROPOSED FOR EXCLUSION FROM WHEELER MIGRATORY WATERFOWL REFUGE

A tract of land lying in Madison County, State of Alabama, on the right side of the Tennessee River, in Township 5 South, Range 2 West, and more particularly described as follows:

Beginning at US-TVA Monument No. 149 (Coordinates: N. 1,499,693; E. 223,080), at the one-quarter corner of secs. 8 and 9, T. 5 S., R. 2 W.;

Thence between secs. 8 and 9,

N. 2°50′ E., 376 feet to a point;

Thence in sec. 9,

S. 12°29′ E., 151.4 feet to a point in a line 40 feet east of and parallel to the line between secs. 8 and 9,

S. 2°50′ W., 228.7 feet to a point in the east-west center line,

N. 89°00′ W., 40 feet to US-TVA Monument No. 149, the place of beginning.

The above described land contains 0.3 acre, more or less.

NOTE: The coordinates and bearings given in the above description are for the Alabama (East) State Coordinate System, Mercator Projection, as established by the United States Coast and Geodetic Survey. The origin for this coordinate system is at Latitude 30°30′ N. and Longitude 85°50′ W., and has been assigned a value of x=500,000 feet and y=0 feet. The boundary marker designated "US-TVA Monument" is a concrete monument capped with a bronze tablet imprinted with the given number and with the Township and Range designations.

[1] Beside the signature the original document bears the notation "J. C. L. Legal Dept."

APPENDIX B

LAND EMBRACING A PORTION OF THE FLINT CREEK ARM OF WHEELER RESERVOIR PROPOSED FOR EXCLUSION FROM WHEELER MIGRATORY WATERFOWL REFUGE

A tract of land lying in Morgan County, State of Alabama, on the left side of the Tennessee River and on both sides of Flint Creek, in Township 6 South, Ranges 4 and 5 West and in Township 7 South, Range 4 West, and more particularly described as follows:

That portion of the lands originally acquired by the Tennessee Valley Authority in the name of the United States of America and transferred to the Department of Interior, Fish and Wildlife Service, for inclusion in Wheeler Migratory Waterfowl Refuge, by Executive Order No. 7926 issued July 7, 1938, which lies south and west of a line extending northwesterly, along the northeast right of way boundary of the Louisville and Nashville Railroad, from US-TVA Monument No. 92 (Coordinates: N. 1,635,821; E. 662,966) in the north line of SE¼SE¼NW¼ sec. 28, T. 6 S., R. 4 W., to a point in the line between secs. 20 and 21, T. 6 S., R. 4 W., from which US-TVA Monument No. 137 (Coordinates: N. 1,640,475; E. 660,959) at the one-quarter corner of said secs. bears S. 2°15′ W., at a distance of approximately 130 feet, and containing 2,220 acres, more or less.

All of which area containing 2,220 acres, more or less, is bounded by the following described lines:

Beginning at US-TVA Monument No. 102 (Coordinates: N. 1,632,538; E. 660,702) at the corner common to secs. 28, 29, 32, and 33, T. 6 S., R. 4 W.;

Thence between secs. 32 and 33,

S. 0°50′ W., 333 feet to US-TVA Monument No. 103;

Thence in sec. 32,

N. 89°25′ W., 850 feet to US-TVA Monument No. 104,

S. 0°50′ W., 665 feet to US-TVA Monument No. 105,

N. 89°25′ W., 1,137 feet to US-TVA Monument No. 106,

N. 0°50′ E., 334 feet to US-TVA Monument No. 107,

N. 89°25′ W., 2,287 feet to US-TVA Monument No. 108,

N. 0°40′ E., 335 feet to US-TVA Monument No. 109,

N. 89°25′ W., 390 feet to US-TVA Monument No. 110,

S. 0°40′ W., 669 feet to US-TVA Monument No. 111,

S. 89°25′ E., 390 feet to US-TVA Monument No. 112,

S. 0°40′ W., 1,673 feet to US-TVA Monument No. 113 in the east-west center line,

N. 89°20′ W., 1,040 feet to US-TVA Monument No. 114 at the one-quarter corner of secs. 31 and 32 (Coordinates: N. 1,629,923; E. 655,355);

Thence in sec. 31,

N. 89°40′ W., 659 feet to US-TVA Monument No. 115,

S. 0°45′ W., 669 feet to US-TVA Monument No. 116,

S. 89°40′ E., 661 feet to US-TVA Monument No. 117 in the line between secs. 31 and 32;

Thence between secs. 31 and 32,

S. 0°40′ W., 669 feet to US-TVA Monument No. 118 at the south one-sixteenth corner of said secs.;

Thence in sec. 32,

S. 89°50′ E., 339 feet to US-TVA Monument No. 119,

S. 1°05′ W., 668 feet to US-TVA Monument No. 120,

N. 89°55′ E., 335 feet to US-TVA Monument No. 121,

S. 1°25′ W., 666 feet to US-TVA Monument No. 122 in the line between sec. 32, T. 6 S., R. 4 W., and sec. 5, T. 7 S., R. 4 W.;
Thence between sec. 32, T. 6 S., R. 4 W., and sec. 5, T. 7 S., R. 4 W.,
N. 89°40′ E., 331 feet to US-TVA Monument No. 123;
Thence in sec. 32, T. 6 S., R. 4 W.,
N. 1°45′ E., 665 feet to US-TVA Monument No. 124,
N. 89°55′ E., 271 feet to US-TVA Monument No. 125,
N. 2°10′ E., 331 feet to US-TVA Monument No. 126,
N. 89°40′ E., 1,363 feet to US-TVA Monument No. 127 in the north-south center line,
S. 0°50′ W., 995 feet to US-TVA Monument No. 1 at the one-quarter corner of sec. 32, T. 6 S., R. 4 W., and sec. 5, T. 7 S., R. 4 W. (Coordinates: N. 1,627,262; E. 675,970);
Thence in sec. 5, T. 7 S., R. 4 W.,
S. 56°00′ W., 1,180 feet to US-TVA Monument No. 2,
S. 33°25′ E., 847 feet to US-TVA Monument No. 3,
S. 51°00′ E., 599 feet to US-TVA Monument No. 4 in the north-south center line,
S. 61°00′ E., 590 feet to US-TVA Monument No. 5,
N. 89°10′ E., 1,480 feet to US-TVA Monument No. 6,
S. 1°10′ W., 667 feet to US-TVA Monument No. 7 in the east-west center line,
N. 89°55′ W., 668 feet to US-TVA Monument No. 8 at the center east one-sixteenth corner,
S. 1°00′ W., 1,314 feet to US-TVA Monument No. 9 at the southeast one-sixteenth corner,
N. 89°45′ W., 671 feet to US-TVA Monument No. 10,
N. 1°05′ E., 665 feet to US-TVA Monument No. 11,
N. 89°45′ W., 669 feet to US-TVA Monument No. 12 in the north-south center line,
S. 1°10′ W., 654 feet to US-TVA Monument No. 13 at the center south one-sixteenth corner,
N. 89°35′ W., 2,658 feet to US-TVA Monument No. 14 at the south one-sixteenth corner of secs. 5 and 6;
Thence between secs. 5 and 6,
S. 0°20′ W., 1,328 feet to US-TVA Monument No. 15 at the corner common to secs. 5, 6, 7 and 8 (Coordinates: N. 1,621,974; E. 655,208);
Thence between secs. 6 and 7,
N. 89°20′ W., 977 feet to US-TVA Monument No. 16;
Thence in sec. 7,
S. 0°35′ E., 659 feet to US-TVA Monument No. 17,
N. 89°30′ W., 327 feet to US-TVA Monument No. 18,
S. 0°30′ E., 658 feet to US-TVA Monument No. 19 at the northeast one-sixteenth corner,
S. 89°20′ E., 328 feet to US-TVA Monument No. 20,
S. 1°35′ W., 669 feet to US-TVA Monument No. 21,
N. 89°30′ W., 327 feet to US-TVA Monument No. 22,
S. 1°25′ W., 1,674 feet to US-TVA Monument No. 23,
S. 89°20′ E., 974 feet to US-TVA Monument No. 24,
N. 1°45′ E., 334 feet to US-TVA Monument No. 25,
S. 89°30′ E., 324 feet to US-TVA Monument No. 26 in the line between secs. 7 and 8 (Coordinates: N. 1,618,648; E. 655,165);
Thence in sec. 8,
Due east, 332 feet to US-TVA Monument No. 27,
N. 1°45′ E., 334 feet to US-TVA Monument No. 28,
S. 89°50′ E., 1,325 feet to US-TVA Monument No. 29,
S. 1°40′ W., 1,000 feet to US-TVA Monument No. 30,
N. 89°50′ E., 973 feet to US-TVA Monument No. 31 at the center south one-sixteenth corner,
S. 1°30′ W., 665 feet to US-TVA Monument No. 32,
Due west, 1,312 feet to US-TVA Monument No. 33 in the west one-sixteenth line,
S. 49°30′ W., 364 feet to US-TVA Monument No. 34,
S. 12°35′ W., 430 feet to US-TVA Monument No. 35 in the line between secs. 8 and 17;
Thence between secs. 8 and 17,
N. 89°40′ E., 155 feet to US-TVA Monument No. 36 (Coordinates: N. 1,616,661; E. 656,230);
Thence in sec. 17,
S. 0°40′ W., 330 feet to US-TVA Monument No. 37,
N. 88°00′ W., 430 feet to US-TVA Monument No. 38,
S. 28°05′ W., 806 feet to US-TVA Monument No. 39,
S. 0°50′ W., 967 feet to US-TVA Monument No. 40,
N. 89°50′ W., 331 feet to US-TVA Monument No. 41 in the line between secs. 17 and 18;
Thence between secs. 17 and 18,
S. 0°50′ W., 657 feet to US-TVA Monument No. 42 at the one-quarter corner of said secs.,
S. 0°50′ W., 1,972 feet to US-TVA Monument No. 43 at the southeast corner of NE¼ SE¼SE¼ of sec. 18 (Coordinates: N. 1,612,040; E. 655,036);
Thence in sec. 18,
N. 89°55′ W., 637 feet to US-TVA Monument No. 44,
S. 0°45′ W., 324 feet to US-TVA Monument No. 45,
Due west, 1,275 feet to US-TVA Monument No. 46,
Due north, 328 feet to US-TVA Monument No. 47,
N. 89°50′ W., 637 feet to US-TVA Monument No. 48,
N. 0°30′ E., 983 feet to US-TVA Monument No. 49,
S. 89°20′ E., 636 feet to US-TVA Monument No. 50,
N. 0°35′ E., 1,639 feet to US-TVA Monument No. 51,
S. 89°20′ E., 680 feet to US-TVA Monument No. 52 in the east one-sixteenth line,
N. 0°40′ E., 656 feet to a 16-inch oak tree at the northeast one-sixteenth corner, witnessed by US-TVA Monument No. 53,
S. 89°40′ E., 934 feet to US-TVA Monument No. 54,
N. 1°35′ E., 1,334 feet to US-TVA Monument No. 55 in the line between secs. 7 and 18;
Thence between secs. 7 and 18,
N. 89°15′ E., 303 feet to US-TVA Monument No. 56 at the corner common to secs. 7, 8, 17, and 18 (Coordinates: N. 1,616,641; E. 655,105);
Thence between secs. 8 and 17,
N. 89°30′ E., 332 feet to US-TVA Monument No. 57;
Thence in sec. 8,
N. 1°40′ E., 667 feet to US-TVA Monument No. 58,
N. 89°30′ E., 334 feet to US-TVA Monument No. 59,
N. 1°40′ E., 665 feet to US-TVA Monument No. 60,
Due west, 664 feet to US-TVA Monument No. 61 at the south one-sixteenth corner of secs. 7 and 8;
Thence in sec. 7,
N. 89°40′ W., 325 feet to US-TVA Monument No. 62,
S. 1°35′ W., 334 feet to US-TVA Monument No. 63,
N. 89°20′ W., 972 feet to US-TVA Monument No. 64,
S. 1°25′ W., 669 feet to US-TVA Monument No. 65,
N. 89° 35′ W., 649 feet to US-TVA Monument No. 66,
N. 1°00′ E., 334 feet to US-TVA Monument No. 67,
N. 89°25′ W., 646 feet to US-TVA Monument No. 68 in the north-south center line,
N. 0°50′ E., 1,000 feet to US-TVA Monument No. 69,
S. 89°20′ E., 647 feet to US-TVA Monument No. 70,
N. 0°55′ E., 1,001 feet to US-TVA Monument No. 71 in the east-west center line,
N. 0°55′ E., 2,667 feet to US-TVA Monument No. 72 in the line between secs. 6 and 7 (Coordinates: N. 1,621,995; E. 653,254);
Thence in sec. 6,
N. 74°55′ E., 677 feet to US-TVA Monument No. 73 in the east one-sixteenth line,
N. 35°05′ E., 1,386 feet to US-TVA Monument No. 74 in the south one-sixteenth line,
N. 89°35′ W., 950 feet to US-TVA Monument No. 75,
S. 31°05′ W., 953 feet to US-TVA Monument No. 76,
N. 89°30′ W., 649 feet to US-TVA Monument No. 77,
S. 1°15′ W., 500 feet to US-TVA Monument No. 78 at the one-quarter corner of secs. 6 and 7;
Thence between secs. 6 and 7,
N. 89°25′ W., 1,303 feet to US-TVA Monument No. 79 at the west one-sixteenth corner of said secs.;
Thence in sec. 7,
S. 0°10′ W., 1,314 feet to US-TVA Monument No. 80 at the northwest one-sixteenth corner,
S. 89°40′ W., 1,343 feet to US-TVA Monument No. 81 at the north one-sixteenth corner of sec. 7, T. 7 S., R. 4 W., and sec. 12, T. 7 S., R. 5 W.;
Thence between sec. 7, T. 7 S., R. 4 W., and sec. 12, T. 7 S., R. 5 W.,
S. 1°35′ W., 652 feet to US-TVA Monument No. 82 at the southeast corner of NE¼SE¼ NE¼ of said sec. 12 (Coordinates: N. 1,620,043; E. 649,935);
Thence in sec. 12, T. 7 S., R. 5 W.,
S. 87°35′ W., 1,302 feet to US-TVA Monument No. 1 in the east one-sixteenth line,
N. 2°35′ E., 660 feet to the US-TVA Monument No. 2 at the northeast one-sixteenth corner,
N. 0°40′ E., 1,319 feet to US-TVA Monument No. 3 at the east one-sixteenth corner of secs. 1 and 12;
Thence between secs. 1 and 12,
N. 87°55′ E., 1,302 feet to US-TVA Monument No. 83 at the corner common to secs. 6 and 7, T. 7 S., R. 4 W., and secs. 1 and 12, T. 7 S., R. 5 W.;
Thence between sec. 6, T. 7 S., R. 4 W., and sec. 1, T. 7 S., R. 5 W.,
N. 0°30′ E., 659 feet to US-TVA Monument No. 84 at the northwest corner of SW¼ SW¼SW¼ of said sec. 6;
Thence in sec. 6, T. 7 S., R. 4 W.,
S. 89°40′ E., 662 feet to US-TVA Monument No. 85,
N. 0°40′ E., 327 feet to US-TVA Monument No. 86,
S. 89°30′ E., 991 feet to US-TVA Monument No. 87,
N. 1°00′ E., 323 feet to US-TVA Monument No. 88 in the south one-sixteenth line,
S. 89°35′ E., 984 feet to US-TVA Monument No. 89 at the center south one-sixteenth corner,
N. 1°15′ E., 325 feet to US-TVA Monument No. 90,
S. 89°40′ E., 659 feet to US-TVA Monument No. 91,
N. 1°25′ E., 326 feet to US-TVA Monument No. 92,
S. 89°40′ E., 329 feet to US-TVA Monument No. 93,
N. 1°35′ E., 326 feet to US-TVA Monument No. 94,
S. 89°35′ E., 1,676 feet to US-TVA Monument No. 95 in the line between secs. 5 and 6 (Coordinates: N. 1,624,261; E. 655,320);
Thence in sec. 5,

Due east, 2,574 feet to US-TVA Monument No. 96 in the north-south center line,
N. 1°05' E., 328 feet to US-TVA Monument No. 97 at the center one-quarter corner,
Due east, 881 feet to US-TVA Monument No. 98,
N. 61°05' W., 990 feet to US-TVA Monument No. 99 in the north-south center line,
N. 48°40' W., 1,299 feet to US-TVA Monument No. 100 in the north one-sixteenth line,
S. 89°50' W., 310 feet to US-TVA Monument No. 101 at the northwest one-sixteenth corner,
N. 44°35' W., 1,858 feet to US-TVA Monument No. 102 at the corner common to secs. 31 and 32, T. 6 S., R. 4 W., and secs. 5 and 6, T. 7 S., R. 4 W. (Coordinates: N. 1,627,247; E. 655,325);
Thence in sec. 31, T. 6 S., R. 4 W.,
N. 35°55' W., 3,319 feet to US-TVA Monument No. 128 in the east-west center line,
N. 46°20' E., 904 feet to US-TVA Monument No. 129 in the east one-sixteenth line,
N. 0°55' W., 330 feet to US-TVA Monument No. 130 in the said line,
N. 88°25' E., 1,349 feet to US-TVA Monument No. 131 in the line between secs. 31 and 32;
Thence between secs. 31 and 32,
N. 0°25' E., 1,672 feet to US-TVA Monument No. 132 at the corner common to secs. 29, 30, 31, and 32 (Coordinates: N. 1,632,598; E. 655,385);
Thence between secs. 29 and 30,
N. 1°10' E., 1,249 feet to US-TVA Monument No. 197 at the south one-sixteenth corner of said secs.;
Thence in sec. 29,
N. 88°20' E., 1,340 feet to US-TVA Monument No. 196 at the southwest one-sixteenth corner,
S. 1°35' W., 1,304 feet to US-TVA Monument No. 195 at the west one-sixteenth corner of secs. 29 and 32;
Thence between secs. 29 and 32,
S. 89°20' E., 1,329 feet to US-TVA Monument No. 194 at the one-quarter corner of said secs.,
S. 89°20' E., 996 feet to US-TVA Monument No. 193 at the southwest corner of SE¼SE¼SW¼SE¼ of sec. 29;
Thence in sec. 29,
N. 1°40' E., 1,317 feet to US-TVA Monument No. 192 in the south one-sixteenth line,
S. 89°30' E., 332 feet to US-TVA Monument No. 191 at the southeast one-sixteenth corner,
N. 1°40' E., 659 feet to US-TVA Monument No. 190,
N. 89°30' W., 664 feet to US-TVA Monument No. 189,
N. 1°40' E., 658 feet to US-TVA Monument No. 188 in the east-west center line,
N. 89°40' W., 663 feet to US-TVA Monument No. 187 at the center one-quarter corner,
N. 1°40' E., 656 feet to US-TVA Monument No. 186 in the north-south center line,
N. 89°40' W., 668 feet to US-TVA Monument No. 185,
N. 1°40' E., 660 feet to US-TVA Monument No. 184 in the north one-sixteeenth line,
N. 89°30' W., 668 feet to US-TVA Monument No. 183 at the northwest one-sixteenth corner,
N. 1°40' E., 666 feet to US-TVA Monument No. 182,
N. 89°30' W., 1,338 feet to a point in the line between secs. 29 and 30, witnessed by US-TVA Monument No. 181;
Thence between secs. 29 and 30,
N. 1°30' E., 342 feet to US-TVA Monument No. 180 at the southeast corner of NE¼NE¼NE¼NE¼ of sec. 30 (Coordinates: N. 1,637,542; E. 655,513);
Thence in sec. 30,
N. 89°15' W., 695 feet to US-TVA Monument No. 179,
S. 1°00' W., 343 feet to US-TVA Monument No. 178,
N. 89°20' W., 693 feet to US-TVA Monument No. 177,
S. 0°30' W., 344 feet to US-TVA Monument No. 176,
N. 87°55' W., 1,395 feet to US-TVA Monument No. 175,
S. 0°10' W., 334 feet to US-TVA Monument No. 174,
S. 0°20' W., 681 feet to US-TVA Monument No. 173,
N. 88°45' W., 1,882 feet to US-TVA Monument No. 172,
S. 0°50' W., 335 feet to US-TVA Monument No. 171.
N. 88°35' W., 708 feet to US-TVA Monument No. 17 in the line between sec. 30, T. 6 S., R. 4 W., and sec. 25, T. 6 S., R. 5 W.;
Thence between sec. 30, T. 6 S., R. 4 W., and sec. 25, T. 6 S., R. 5 W.,
S. 1°40' W., 312 feet to US-TVA Monument No. 16 at the one-quarter corner of said secs.,
S. 0°30' E., 2,693 feet to US-TVA Monument No. 15 at the corner common to secs. 30 and 31, T. 6 S., R. 4 W., and secs. 25 and 36, T. 6 S., R. 5 W. (Coordinates: N. 1,632,625; E. 650,137);
Thence between secs. 25 and 36, T. 6 S., R. 5 W.,
N. 89°40' W., 2,323 feet to US-TVA Monument No. 14;
Thence in sec. 36,
S. 0°55' W., 671 feet to US-TVA Monument No. 13,
N. 89°40' W., 331 feet to US-TVA Monument No. 12 at the southeast corner of NE¼NE¼NW¼,
N. 89°50' W., 669 feet to US-TVA Monument No. 11 at the southwest corner of NE¼NE¼NW¼,
N. 0°25' E., 671 feet to a point at the northwest corner of NE¼NE¼NW¼, witnessed by US-TVA Monument No. 10;
Thence between secs. 25 and 36,
S. 89°50' E., 337 feet to US-TVA Monument No. 9 at the southwest corner of SE¼SE¼SE¼SW¼ of sec. 25;
Thence in sec. 25,
N. 0°50' E., 2,345 feet to US-TVA Monument No. 8,
S. 89°30' E., 335 feet to US-TVA Monument No. 7 in the north-south center line,
S. 89°50' E., 1,001 feet to US-TVA Monument No. 6,
N. 1°00' E., 335 feet to US-TVA Monument No. 5 in the east-west center line,
S. 89°50' E., 334 feet to US-TVA Monument No. 4 at the center east one-sixteenth corner,
S. 89°00' E., 510 feet to US-TVA Monument No. 3,
N. 31°00' E., 950 feet to US-TVA Monument No. 2,
S. 89°20' E., 349 feet to US-TVA Monument No. 1 in the line between sec. 30, T. 6 S., R. 4 W., and sec. 25, T. 6 S., R. 5 W.;
Thence between sec. 30, T. 6 S., R. 4 W., and sec. 25, T. 6 S., R. 5 W.,
N. 0°15' E., 519 feet to US-TVA Monument No. 170 at the north one-sixteenth corner of said secs. (Coordinates: N. 1,636,638; E. 650,205);
Thence in sec. 30, T. 6 S., R. 4 W.,
S. 89°50' E., 644 feet to US-TVA Monument No. 169,
N. 2°45' E., 1,312 feet to US-TVA Monument No. 168 in the line between secs. 19 and 30;
Thence between secs. 19 and 30,
S. 89°25' E., 657 feet to US-TVA Monument No. 167 at the west one-sixteenth corner of said secs.;
Thence in sec. 19,
N. 0°50' E., 1,982 feet to US-TVA Monument No. 166,
S. 89°20' E., 705 feet to US-TVA Monument No. 165,
S. 1°30' W., 335 feet to US-TVA Monument No. 164,
S. 89°10' E., 621 feet to US-TVA Monument No. 163 in the north-south center line,
S. 89°10' E., 911 feet to US-TVA Monument No. 162,
N. 2°15' E., 339 feet to US-TVA Monument No. 161,
S. 89°25' E., 1,072 feet to US-TVA Monument No. 160,
S. 1°00' W., 522 feet to US-TVA Monument No. 159,
S. 88°05' E., 662 feet to US-TVA Monument No. 158 in the line between secs. 19 and 20,
Thence between secs. 19 and 20,
N. 1°30' E., 1,225 feet to US-TVA Monument No. 157 at the one-quarter corner of said secs. (Coordinates: N. 1,640,567; E. 655,597);
Thence in sec. 20,
S. 84°50' E., 668 feet to a point, witnessed by US-TVA Monument No. 156,
S. 2°30' W., 1,317 feet to US-TVA Monument No. 155,
S. 87°50' E., 421 feet to US-TVA Monument No. 154,
S. 2°10' W., 657 feet to US-TVA Monument No. 153,
S. 89°05' E., 1,288 feet to US-TVA Monument No. 152,
S. 1°35' W., 36 feet to US-TVA Monument No. 151,
S. 89°10' E., 333 feet to US-TVA Monument No. 150 in the north-south center line,
S. 2°10' W., 632 feet to US-TVA Monument No. 149 at the one-quarter corner of secs. 20 and 29;
Thence between secs. 20 and 29,
S. 89°45' E., 2,388 feet to US-TVA Monument No. 148 in the east right of way boundary of U. S. Highway No. 31;
Thence in sec. 20,
N. 10°45' W., 204 feet to US-TVA Monument No. 147 in the east right of way boundary of said highway,
S. 89°50' E., 318 feet to US-TVA Monument No. 133 in the line between secs. 20 and 21;
Thence between secs. 20 and 21,
N. 1°10' E., 1,096 feet to US-TVA Monument No. 134 at the south one-sixteenth corner of said secs.;
Thence in sec. 21,
S. 89°50' E., 348 feet to US-TVA Monument No. 135 at the intersection of the southwest right of way boundary of a county road with the south one-sixteenth line,
Northwesterly with the southwest right of way boundary of said county road to US-TVA Monument No. 136 in the line between secs. 20 and 21, 850 feet north of US-TVA Monument No. 134 at the south one-sixteenth corner of said secs.;
Thence between secs. 20 and 21,
N. 3°15' E., 515 feet to US-TVA Monument No. 137 at the one-quarter corner of said secs. (Coordinates: N. 1,640,475; E. 660,959),
N. 2°15' E., approximately 130 feet to a point in the northeast right of way boundary of the L. & N. Railroad;
Thence in sec. 21,
Southeasterly with the northeast right of way boundary of said railroad to a point in the line between secs. 21 and 28;
Thence in sec. 28,
Southeasterly with the northeast right of way boundary of the L. & N. Railroad to US-TVA Monument No. 92 at the intersection of said right of way boundary with the north line of SE¼SE¼NW¼ (Coordinates: N. 1,635,821; E. 662,966),
S. 22°25' E., 1,071 feet to US-TVA Monument No. 93 in the northeast right of way boundary of the present and abandoned location of the L. & N. Railroad,
N. 89°40' W., 1,280 feet to US-TVA Monument No. 94,
N. 1°40' E., 337 feet to US-TVA Monument No. 95 at the center west one-sixteenth corner,
N. 88°25' W., 333 feet to US-TVA Monument No. 96,
S. 1°35' W., 1,334 feet to US-TVA Monument No. 97,
N. 89°30' W., 487 feet to US-TVA Monument No. 98 in the west right of way boundary of U. S. Highway No. 31,

Southerly, with the west right of way boundary of U. S. Highway No. 31, approximately 640 feet to US-TVA Monument No. 99 in the center line of a county road,

N. 89°00′ W., 351 feet to US-TVA Monument No. 100 in the center line of a county road, which monument is 688 feet north of, and 284 feet east of US-TVA Monument No. 102 at the corner common to secs. 28, 29, 32, and 33,

Southwesterly with the center line of said county road to US-TVA Monument No. 101 in the line between secs. 28 and 29;

Thence between secs. 28 and 29,

S. 0°40′ W., 413 Feet to US-TVA Monument No. 102 at the corner common to secs. 28, 29, 32, and 33, the place of beginning.

NOTE: The coordinates and bearings given in the above description are for the Alabama (West) State Coordinate System, Mercator Projection, as established by the U. S. Coast and Geodetic Survey. The origin for this coordinate system is at Latitude 30°00′ N. and Longitude 87°30′ W., and has been assigned a value of x=500,000 feet, and y=0 feet. The boundary markers designated "US-TVA Monument" are concrete monuments capped with a bronze tablet imprinted with the given number and the Township and Range in which located.

APPENDIX C

LAND EMBRACING A PORTION OF THE COTACO CREEK ARM OF WHEELER RESERVOIR PROPOSED FOR EXCLUSION FROM WHEELER MIGRATORY WATERFOWL REFUGE

A tract of land lying in Morgan County, State of Alabama, on the left side of the Tennessee River, in Townships 6 and 7 South, Range 2 West, and more particularly described as follows:

That portion of the lands originally acquired by the Tennessee Valley Authority in the name of the United States of America and transferred to the Department of Interior, Fish and Wildlife Service, for inclusion in Wheeler Migratory Waterfowl Refuge, by Executive Order No. 7926 issued July 7, 1938, which lies south of a line extending southwesterly along the center line of the road, which crosses the Cotaco Creek Embayment in the SE¼ sec. 3, T. 6 S., R. 2 W., from a point in the line between secs. 2 and 3, T. 6 S., R. 2 W., which point bears S. 0°15′ W., approximately 80 feet from US-TVA Monument No. 4 in the line between said secs. (Coordinates: N. 1,655,018; E. 735,336), to a point in the south line of the N½SE¼SW¼ sec. 3, T. 6 S., R. 2 W., which point bears N. 89°00′ W., approximately 340 feet from US-TVA Monument No. 142 (Coordinates: N. 1,653,284; E. 732,686), and containing 2,050 acres, more or less.

All of which area containing 2,050 acres, more or less, is bounded by the following described lines:

Beginning at US-TVA Monument No. 5 (Coordinates: N. 1,654,239; E. 735,333) in the line between secs. 2 and 3, T. 6 S., R. 2 W.;

Thence in sec. 3,

S. 89°00′ E., 1,336 feet to US-TVA Monument No. 6,

N. 0°30′ E., 330 feet to US-TVA Monument No. 7,

S. 89°10′ E., 989 feet to US-TVA Monument No. 8,

S. 0°20′ W., 1,981 feet to US-TVA Monument 9 in the line between secs. 2 and 11,

Thence between secs. 2 and 11,

N. 89°10′ W., 332 feet to US-TVA Monument No. 10;

Thence in sec. 11,

S. 0°40′ W., 1,334 feet to US-TVA Monument No. 11,

N. 89°00′ W., 333 feet to US-TVA Monument No. 12,

S. 0°40′ W., 1,333 feet to US-TVA Monument No. 13,

S. 89°00′ E., 332 feet to US-TVA Monument No. 14,

S. 0°30′ W., 665 feet to US-TVA Monument No. 15,

S. 89°10′ E., 665 feet to US-TVA Monument No. 16,

S. 88°40′ E., 658 feet to US-TVA Monument No. 17,

N. 0°30′ E., 666 feet to US-TVA Monument No. 18,

S. 88°50′ E., 660 feet to US-TVA Monument No. 19,

N. 0°55′ E., 1,003 feet to US-TVA Monument No. 20,

S. 88°55′ E., 992 feet to US-TVA Monument No. 21,

S. 1°00′ W., 1,004 feet to US-TVA Monument No. 22,

S. 88°45′ E., 330 feet to US-TVA Monument No. 23 at the one-quarter corner of secs. 11 and 12 (Coordinates: N. 1,649,823; E. 740,587);

Thence between secs. 11 and 12,

N. 1°00′ E., 670 feet to US-TVA Monument No. 24,

Thence in sec. 12,

S. 89°15′ E., 657 feet to US-TVA Monument No. 25,

S. 0°55′ W., 669 feet to US-TVA Monument No. 26,

S. 0°55′ W., 1,338 feet to US-TVA Monument No. 27,

S. 89°25′ E., 660 feet to US-TVA Monument No. 28,

S. 0°50′ W., 1,336 feet to US-TVA Monument No. 29 at the west one-sixteenth corner of secs. 12 and 13 (Coordinates: N. 1,647,134; E. 741,864);

Thence between secs. 12 and 13,

Due east, 663 feet to US-TVA Monument No. 30,

Thence in sec. 13,

S. 0°25′ E., 1,372 feet to US-TVA Monument No. 31,

N. 88°10′ W., 2,013 feet to US-TVA Monument No. 32 at the north one-sixteenth corner of secs. 13 and 14;

Thence between secs. 13 and 14,

N. 0°35′ E., 1,317 feet to US-TVA Monument No. 33 at the corner common to secs. 11, 12, 13 and 14;

Thence between secs. 11 and 14,

N. 88°25′ W., 653 feet to US-TVA Monument No. 34,

Thence in sec. 14,

S. 0°45′ W., 1,982 feet to US-TVA Monument No. 35,

S. 88°45′ E., 329 feet to US-TVA Monument No. 36,

S. 0°35′ W., 1,985 feet to US-TVA Monument No. 37,

N. 89°45′ W., 997 feet to US-TVA Monument No. 38,

Due south, 1,323 feet to US-TVA Monument No. 39 at the east one-sixteenth corner of secs. 14 and 23 (Coordinates: N. 1,641,869; E. 739,172);

Thence between secs. 14 and 23,

N. 89°10′ W., 332 feet to US-TVA Monument No. 40,

Thence in sec. 23,

S. 0°35′ W., 1,330 feet to US-TVA Monument No. 41,

N. 89°20′ W., 332 feet to US-TVA Monument No. 42,

S. 0°40′ W., 1,330 feet to US-TVA Monument No. 43,

N. 89°10′ W., 334 feet to US-TVA Monument No. 44,

S. 1°00′ W., 660 feet to US-TVA Monument No. 45,

N. 88°35′ W., 333 feet to US-TVA Monument No. 46,

S. 0°40′ W., 2,021 feet to US-TVA Monument No. 47 at the one-quarter corner of secs. 23 and 26 (Coordinates: N. 1,636,550; E. 737,778);

Thence between secs. 23 and 26,

N. 88°45′ W., 1349 feet to US-TVA Monument No. 48 at the west one-sixteenth corner of said secs.;

Thence in sec. 26,

S. 0°40′ W., 1,327 feet to US-TVA Monument No. 49,

S. 89°15′ E., 669 feet to US-TVA Monument No. 50,

S. 0°40′ W., 333 feet to US-TVA Monument No. 51,

S. 89°10′ E., 2006 feet to US-TVA Monument No. 52,

S. 0°40′ W., 665 feet to US-TVA Monument No. 53,

S. 89°20′ E., 668 feet to US-TVA Monument No. 54,

S. 0°40′ W., 334 feet to US-TVA Monument No. 55,

S. 89°15′ E., 669 feet to US-TVA Monument No. 56 at the one-quarter corner of secs. 25 and 26 (Coordinates: N. 1,633,866; E. 740,410);

Thence in sec. 25,

S. 88°25′ E., 663 feet to US-TVA Monument No. 57,

S. 0°35′ W., 981 feet to US-TVA Monument No. 58,

N. 88°55′ W., 664 feet to US-TVA Monument No. 59 in the line between secs. 25 and 26;

Thence between secs. 25 and 26,

N. 0°40′ E., 329 feet to US-TVA Monument No. 60;

Thence in sec. 26,

N. 89°25′ W., 669 feet to US-TVA Monument No. 61,

N. 0°40′ E., 331 feet to US-TVA Monument No. 62,

N. 89°25′ W., 669 feet to US-TVA Monument No. 63,

N. 0°40′ E., 331 feet to US-TVA Monument No. 64,

N. 89°15′ W., 1,000 feet to US-TVA Monument No. 65,

S. 0°40′ W., 666 feet to US-TVA Monument No. 66,

N. 89°30′ W., 335 feet to US-TVA Monument No. 67,

S. 0°45′ E., 2,000 feet to US-TVA Monument No. 68 at the one-quarter corner of secs. 26 and 35 (Coordinates: N. 1,631,235; E. 737,702);

Thence between secs. 26 and 35,

N. 89°30′ W., 334 feet to US-TVA Monument No. 69;

Thence in sec. 35,

S. 0°45′ W., 1,971 feet to US-TVA Monument No. 70,

N. 89°40′ W., 334 feet to US-TVA Monument No. 71,

S. 0°40′ W., 658 feet to US-TVA Monument No. 72,

S. 0°25′ W., 982 feet to US-TVA Monument No. 73,

N. 89°50′ W., 668 feet to US-TVA Monument No. 74,

S. 0°25′ W., 1,666 feet to US-TVA Monument No. 1 at the west one-sixteenth corner of sec. 35, T. 6 S., R. 2 W. and sec. 2, T. 7 S., R. 2 W. (Coordinates: N. 1,625,965; E. 736,312);

Thence in sec. 2, T. 7 S., R. 2 W.,

S. 0°55′ W., 664 feet to US-TVA Monument No. 2,

S. 89°15′ E., 1,341 feet to US-TVA Monument No. 3,

S. 0°55′ W., 1,328 feet to US-TVA Monument No. 4,

S. 89°10′ E., 335 feet to US-TVA Monument No. 5,

S. 0°55′ W., 672 feet to US-TVA Monument No. 6,

S. 0°55′ W., 1,321 feet to US-TVA Monument No. 7,

N. 89°10′ W., 334 feet to US-TVA Monument No. 8,

S. 0°55′ W., 1,328 feet to US-TVA Monument No. 9 at the one-quarter corner of secs. 2 and 11 (Coordinates: N. 1,620,635; E. 737,566);

Thence in sec. 11,

S. 0°55′ W., 1,327 feet to US-TVA Monument No. 10 at the center north one-sixteenth corner,

S. 89°15′ E., 668 feet to US-TVA Monument No. 11,

S. 0°55′ W., 662 feet to US-TVA Monument No. 12,

S. 89°20′ E., 668 feet to US-TVA Monument No. 13,

S. 1°00′ W., 662 feet to US-TVA Monument No. 14 at the center east one-sixteenth corner,

S. 89°25′ E., 668 feet to US-TVA Monument No. 15,
N. 1°00′ E., 661 feet to US-TVA Monument No. 16,
S. 89°25′ E., 669 feet to US-TVA Monument No. 17 in the line between secs. 11 and 12;
Thence between said secs.,
S. 1°00′ W., 661 feet to US-TVA Monument No. 18,
S. 1°00′ W., 660 feet to US-TVA Monument No. 19,
Thence in sec. 11,
N. 89°30′ W., 668 feet to US-TVA Monument No. 20,
S. 1°00′ W., 331 feet to US-TVA Monument No. 21,
N. 89°30′ W., 1,335 feet to US-TVA Monument No. 22,
N. 0°55′ E., 994 feet to US-TVA Monument No. 23,
N. 89°25′ W., 668 feet to US-TVA Monument No. 24 at the center one-quarter corner (Coordinates: N. 1,617,980; E. 737,523),
N. 89°25′ W., 1,336 feet to US-TVA Monument No. 25,
N. 0°55′ E., 495 feet to US-TVA Monument No. 26,
N. 89°25′ W., 668 feet to US-TVA Monument No. 27,
N. 0°55′ E., 2,168 feet to US-TVA Monument No. 28 in the line between secs. 2 and 11;
Thence between said secs.,
S. 89°10′ E., 334 feet to US-TVA Monument No. 29;
Thence in sec. 2,
N. 0°55′ E., 1,328 feet to US-TVA Monument No. 30,
S. 89°10′ E., 334 feet to US-TVA Monument No. 31 at the southwest one-sixteenth corner,
N. 0°55′ E., 1,328 feet to US-TVA Monument No. 32 at the center west one-sixteenth corner (Coordinates: N. 1,623,310; E. 736,270),
N. 0°55′ E., 995 feet to US-TVA Monument No. 33,
N. 52°35′ W., 1,668 feet to US-TVA Monument No. 37 in the line between secs. 2 and 3;
Thence in sec. 3,
N. 89°55′ W., 641 feet to US-TVA Monument No. 38,
N. 0°45′ E., 613 feet to US-TVA Monument No. 39,
N. 89°55′ W., 641 feet to US-TVA Monument No. 40,
Due north, 50 feet to a stone in the line between sec. 3, T. 7 S., R. 2 W. and sec. 34, T. 6 S., R. 2 W.;
Thence in sec. 34, T. 6 S., R. 2 W.,
N. 0°10′ E., 291 feet to US-TVA Monument No. 165,
N. 69°55′ W., 824 feet to US-TVA Monument No. 166,
S. 4°55′ E., 560 feet to US-TVA Monument No. 167 in the line between sec. 3, T. 7 S., R. 2 W. and sec. 34, T. 6 S., R. 2 W.;
Thence between said secs.,
N. 88°40′ W., 300 feet to US-TVA Monument No. 168;
Thence in sec. 34, T. 6 S., R. 2 W.,
N. 18°05′ W., 994 feet to US-TVA Monument No. 169 in the center line of a stream or ditch;
Thence with the center line of said stream and Town Creek, with the meanders thereof, downstream, approximately 4350 feet, to a point in the north line of SE¼SE¼SE¼, witnessed by US-TVA Monument No. 76,
Due east, 415 feet to US-TVA Monument No. 77 at the northeast corner of SE¼SE¼SE¼ (Coordinates: N. 1,626,641; E. 734,979);
Thence between secs. 34 and 35,
N. 0°35′ E., 660 feet to US-TVA Monument No. 78 at the south one-sixteenth corner of said secs.;
Thence in sec. 35,
S. 89°50′ E., 668 feet to US-TVA Monument No. 79,
N. 0°35′ E., 659 feet to US-TVA Monument No. 80,
S. 89°40′ E., 333 feet to US-TVA Monument No. 81,
N. 0°35′ E., 658 feet to US-TVA Monument No. 82,
S. 89°40′ E., 333 feet to US-TVA Monument No. 83 at the center west one-sixteenth corner,
N. 0°40′ E., 1,317 feet to US-TVA Monument No. 84 at the northwest one-sixteenth corner,
S. 89°40′ E., 334 feet to US-TVA Monument No. 85,
N. 0°40′ E., 1,316 feet to US-TVA Monument No. 86 in the line between secs. 26 and 35;
Thence between secs. 26 and 35,
N. 89°30′ W., 334 feet to US-TVA Monument No. 87 at the west one-sixteenth corner of said secs. (Coordinates: N. 1,631,246; E. 736,365);
Thence in sec. 26,
N. 0°40′ E., 668 feet to US-TVA Monument No. 88,
N. 89°05′ W., 667 feet to US-TVA Monument No. 89,
N. 0°30′ E., 334 feet to US-TVA Monument No. 90,
N. 89°10′ W., 667 feet to US-TVA Monument No. 91 in the line between secs. 26 and 27;
Thence between secs. 26 and 27,
N. 0°40′ E., 1,001 feet to US-TVA Monument No. 92;
Thence in sec. 27,
N. 89°30′ W., 334 feet to US-TVA Monument No. 93,
N. 0°40′ E., 667 feet to US-TVA Monument No. 94,
S. 87°45′ E., 332 feet to US-TVA Monument No. 95 at the one-quarter corner of secs. 26 and 27;
Thence between secs. 26 and 27,
N. 0°55′ E., 2,671 feet to US-TVA Monument No. 96 at the corner common to secs. 22, 23, 26, and 27 (Coordinates: N. 1,636,598; E. 735,100);
Thence between secs. 22 and 23,
N. 0°45′ E., 1,080 feet to a point in the center line of a ditch, witnessed by US-TVA Monument No. 97;
Thence in sec. 23,
S. 64°10′ E., 84 feet to a point in the center line of a ditch, witnessed by US-TVA Monument No. 98,
S. 47°25′ E., 129 feet to a point in the center line of a ditch, witnessed by US-TVA Monument No. 99,
N. 8°15′ E., 382 feet to a point in the center line of a ditch, witnessed by US-TVA Monument No. 100,
S. 89°15′ E., 116 feet to US-TVA Monument No. 101 at the southwest one-sixteenth corner,
N. 1°20′ E., 663 feet to US-TVA Monument No. 102,
S. 89°20′ E., 333 feet to US-TVA Monument No. 103,
N. 1°15′ E., 663 feet to US-TVA Monument No. 104,
S. 89°20′ E., 664 feet to US-TVA Monument No. 105,
N. 0°45′ E., 1,330 feet to US-TVA Monument No. 106,
N. 89°10′ W., 479 feet to US-TVA Monument No. 107,
N. 0°45′ E., 400 feet to US-TVA Monument No. 108,
S. 89°15′ E., 810 feet to US-TVA Monument No. 109,
N. 0°45′ E., 930 feet to US-TVA Monument No. 110 at the one-quarter corner of secs. 14 and 23 (Coordinates: N. 1,641,887; E. 737,847);
Thence between secs. 14 and 23,
S. 89°10′ E., 332 feet to US-TVA Monument No. 111;
Thence in sec. 14,
N. 0°10′ E., 1,354 feet to US-TVA Monument No. 112,
Due west, 5 feet to US-TVA Monument No. 113,
N. 0°50′ E., 334 feet to US-TVA Monument No. 114,
S. 87°30′ E., 994 feet to US-TVA Monument No. 115,
N. 0°55′ E., 1,889 feet to US-TVA Monument No. 116,
N. 88°45′ W., 329 feet to US-TVA Monument No. 117,
N. 1°00′ E., 1,767 feet to US-TVA Monument No. 118 in the line between secs. 11 and 14 (Coordinates: N. 1,647,190; E. 738,907);
Thence in sec. 11,
N. 0°40′ E., 333 feet to US-TVA Monument No. 119,
S. 88°25′ E., 327 feet to US-TVA Monument No. 120,
N. 0°40′ E., 668 feet to US-TVA Monument No. 121,
S. 88°35′ E., 327 feet to US-TVA Monument No. 122,
N. 0°40′ E., 334 feet to US-TVA Monument No. 123,
S. 88°35′ E., 327 feet to US-TVA Monument No. 124,
N. 0°50′ E., 668 feet to US-TVA Monument No. 125,
N. 88°40′ W., 665 feet to US-TVA Monument No. 126,
S. 0°40′ W., 334 feet to US-TVA Monument No. 127,
N. 88°35′ W., 329 feet to US-TVA Monument No. 128,
S. 0°40′ W., 334 feet to US-TVA Monument No. 129,
N. 88°35′ W., 328 feet to US-TVA Monument No. 130,
S. 0°35′ W., 666 feet to US-TVA Monument No. 131,
N. 88°30′ W., 655 feet to US-TVA Monument No. 132,
N. 89°00′ W., 1,331 feet to US-TVA Monument No. 133,
S. 0°30′ W., 332 feet to US-TVA Monument No. 134,
N. 88°50′ W., 1,333 feet to US-TVA Monument No. 135 in the line between secs. 10 and 11;
Thence between secs. 10 and 11,
N. 0°50′ E., 1,009 feet to US-TVA Monument No. 136 at the south one-sixteenth corner of said secs. (Coordinates: N. 1,648,609; E. 735,279);
Thence in sec. 10,
S. 88°45′ W., 329 feet to US-TVA Monument No. 137,
N. 44°15′ W., 1,395 feet to US-TVA Monument No. 138,
N. 0°40′ E., 340 feet to US-TVA Monument No. 139 at the center east one-sixteenth corner,
N. 44°10′ W., 1,882 feet to US-TVA Monument No. 140 at the center north one-sixteenth corner,
N. 0°5′ E., 1,331 feet to US-TVA Monument No. 141 at the one-quarter corner of secs. 3 and 10;
Thence in sec. 3,
N. 1°20′ E., 663 feet to US-TVA Monument No. 142 at the southeast corner of NE¼SE¼SW¼ (Coordinates: N. 1,653,284; E. 732,686),
N. 89°00′ W., approximately 340 feet to a point in the center line of a road;
Northeasterly with the center line of said road, crossing Cotaco Creek Embayment, to a point in the line between secs. 2 and 3;
Thence between secs. 2 and 3,
S. 0°15′ W., approximately 700 feet to US-TVA Monument No. 5, the place of beginning.

NOTE: The coordinates and bearings given in the above description are for the Alabama (West) State Coordinate System, Mercator Projection, as established by the U. S. Coast and Geodetic Survey. The origin for this coordinate system is at Latitude 30°00′ N. and Longitude 87°30′ W. and has been assigned a value of x=500,000 feet, and y=0 feet. The boundary markers designated "US-TVA Monument" are concrete monuments capped with a bronze tablet imprinted with the given number and the Township and Range in which located.

[F. R. Doc. 47-8256; Filed, Sept. 5, 1947; 8:50 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Public Housing Administration

PART 602—FIELD ORGANIZATION

PART 603—FINAL DELEGATIONS OF AUTHORITY

ORGANIZATION OF FIELD OFFICES AND INTERIM DELEGATIONS OF AUTHORITY

1. Section 602.1 (11 F. R. 177A–899) is hereby amended, effective August 15, 1947 to read as follows:

§ 602.1 *Organization of Field Offices.* The eight Regional Offices and the General Field Office, together with their respective area offices, have been reorganized into five regional offices, each containing two or more area offices, in order to facilitate the administration of the Public Housing Administration program. As reorganized, the jurisdiction of the five Regional Offices in the United States and its territories is divided into the following geographical areas:

Region	Area	Regional office headquarters
I	Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming.	760 Market St., San Francisco 2, Calif.
II	Canal Zone, Connecticut, Cuba, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands.	270 Broadway, New York 7, N. Y.
III	Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, West Virginia, Wisconsin.	201 North Wells St., Chicago 5, Ill.
IV	Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.	Georgia Savings Bank Building, Peachtree and Broad Sts., Atlanta 3, Ga.
V	Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas.	725 Texas & Pacific Passenger Building, Fort Worth 2, Tex.

Because the geographical limits of all area offices are not as yet available, requests for information concerning them should be addressed to the appropriate Regional Office as listed above.

2. Part 603 (11 F. R. 177A–900) is hereby amended, effective August 15, 1947, by adding § 603.5 as follows:

§ 603.5 *Interim delegations of authority.* The administration of the Public Housing Administration program in each region is performed by a Regional Director who is assisted by an Assistant Regional Rirector for Program Operation, an Assistant Regional Director for Administration, and the Directors of the several Area Offices. Until further notice, the authority previously delegated to be exercised within a particular geographical area by a Regional Director, his Deputy, Assistants, or Comptroller, with respect to the execution of deeds, contracts, agreements, grants, leases, and any other instruments or documents necessary to the proper administration of the PHA program, may be exercised within each area by the Regional Director, the Assistant Regional Directors, or the Area Director having jurisdiction over the area.

(50 Stat. 888; 42 U. S. C. 1523)

Approved: August 15, 1947.

[SEAL] JOHN TAYLOR EGANS,
Acting Commissioner.

[F. R. Doc. 47–8220; Filed, Sept. 5, 1947; 8:47 a. m.]

Chapter VIII—Office of Housing Expediter

PART 807—SUSPENSION ORDERS

[Suspension Order S–1098, Amdt.]

ALVIN PFISTER AND S. J. GRIMMER

Alvin Pfister, 2917 Greer Avenue, St. Louis, Missouri and S. J. Grimmer, Breese, Illinois, were suspended on February 24, 1947 by Suspension Order No. S–1098 for construction of a building to be used as a nightclub and tavern, size 32 by 80 feet, to cost in excess of $10,000, located on U. S. Highway 50 immediately west of the town of Fairview, Illinois, in violation of VHP–1. They have appealed from the provisions of the order, and the Chief Compliance Commissioner has directed that the order be amended.

It is hereby ordered, That: § 807.1098, Suspension Order No. S–1098, issued February 24, 1947, be and hereby is amended by exempting from the operation of the suspension order construction of a tourist court and a restaurant providing no construction to be used for recreational or amusement purposes prohibited by CLR is entered into at the above described premises.

Issued this 3d day of September 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
Authorizing Officer.

[F. R. Doc. 47–8242; Filed, Sept. 5, 1947; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treaury

Subcapter C—Miscellaneous Excise Taxes

[T. D. 5575]

PART 178—PRODUCTION, FORTIFICATION, TAX PAYMENT, ETC., OF WINE

MISCELLANEOUS AMENDMENTS

1. The act of July 14, 1947 (Public Law 186, 80th Congress) amends the Internal Revenue Code as follows:

a. Section 2801 (e) (4) of the Internal Revenue Code is amended (a) by deleting from the second sentence thereof the words "having no interior communication with any other department or part of such premises", and (b) by adding immediately at the end thereof the following new sentence: "The provisions of this paragraph shall apply in the same manner and to the same extent to aperitif wines other than vermouth."

b. Section 3043 (a), Internal Revenue Code, is amended by deleting the colon in the second sentence thereof and inserting in lieu thereof the following: ", nor to apply to or prohibit the fermentation of grape wine retsina with resin on bonded winery premises:".

c. Section 3044 (b), Internal Revenue Code, is amended by deleting the words "and not more than 13 per centum of alcohol after complete fermentation," and inserting in lieu thereof the words "and not more than 13 per centum of alcohol after complete fermentation or, if sweetened, after complete fermentation and sweetening,".

d. Section 3045, Internal Revenue Code, is amended by deleting the period at the end thereof and adding the following: ": *Provided,* That in the case of wines produced from loganberries, currants, or gooseberries, respectively, having a normal acidity of twenty parts or more per thousand, the volume of the resultant product may be increased more than 35 per centum but not more than 60 per centum by the addition of sugar and water solution under such regulations as the Commissioner of Internal Revenue may prescribe".

2. Notice and public procedure under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, are found to be unnecessary in connection with the issuance of these regulations for the reason that the sole purpose of the law, which the regulations are designed to implement, is to remove restrictions to permit (a) interior communication between the vermouth department and other departments or parts of a bonded winery, (b) the production of aperitif wines in the vermouth department of the winery, (c) the production of retsina wine on bonded winery premises, (d) wines produced with sugar-water solution to be fermented somewhat in excess of 13 percent of alcohol, so that subsequent sweetening will not lower the alcoholic content below the present 13 percent limit, and (e) the acidity of loganberry, currant, and gooseberry wines to be adjusted with a sugar-water solution not in excess of 60 percent (instead of the present 35 percent) of the volume of the resultant product. It is also found necessary to make these regulations immediately effective to permit winemakers to benefit by the legislation during the current vintage season and to avoid confusion in operations and the keeping of records.

3. Pursuant to the foregoing provisions of law and sections 3176 and 3901, Internal Revenue Code, Regulations 7 (26 CFR, Part 178) are hereby amended in these respects:

a. Sections 178.8 (c), 178.10, 178.12, 178.24, 178.27, 178.45 (c), 178.82, 178.87, 178.129, 178.137, 178.160, 178.161, 178.183, 178.184, 178.185, 178.199, 178.200, 178.215, 178.238, 178.263, 178.264, 178.310, 178.370, 178.375, 178.377, 178.378, 178.382, 178.383, 178.398, and 178.401 are amended by inserting the term "or other apertif wine" immediately after the word "vermouth"

wherever such word appears in such sections.

b. Section 178.143 is amended by deleting the words "shall not contain more than 13 percent of alcohol after complete fermentation" and inserting in lieu thereof the words "shall not contain more than 13 percent of alcohol after complete fermentation or, if sweetened, after complete fermentation and sweetening,".

c. Section 178.144 is amended by deleting the words "may not contain more than 13 percent of alcohol after complete fermentation" and inserting in lieu thereof the words "may not contain more than 13 percent of alcohol after complete fermentation or, if sweetened, after complete fermentation and sweetening,", and by deleting the sentence "The alcoholic content of the wine must not exceed 13 percent by volume at any time during the process of fermentation."

d. Section 178.149 (a) is amended by deleting the words "which contain more than 13 per cent alcohol by volume after fermentation" and inserting in lieu thereof the words "which contain more than 13 percent alcohol by volume after complete fermentation or, if sweetened, after complete fermentation and sweetening."

e. Sections 178.5, 178.21, 178.136, 178.145, 178.150, 178.152, 178.153, 178.157, 178.159, 178.162, 178.182, 178.186, 178.187 and 178.211 are amended, and §§ 178.57a, 178.136a and 178.211a are added, as follows:

§ 178.5 *Definitions.* * * *

(a–1) "Aperitif wine" shall mean aperitif wine manufactured in accordance with section 2801 (e) (4), I. R. C., as amended, and §§ 178.182 to 178.187, inclusive, as amended, and conforming to the standards of identity for aperitif wines prescribed in Regulations 4 (27 CFR, Part 4), issued under the Federal Alcohol Administration Act.

* * * * *

(z) "Wine," when used without qualification, includes all still wines, champagne and other sparkling wines, artificially carbonated wine, retsina wine, and vermouth or other aperitif wine produced on bonded winery premises.

* * * * *

§ 178.21 *Vermouth or other aperitif wine department.* Winemakers desiring to manufacture vermouth or other aperitif wine must provide a separate department, consisting of a room or rooms, for such operations in the bonded winery. The department must be of sufficient size to permit manufacturing operations and the storage of supplies necessary or incidental to the manufacture of vermouth or other aperitif wine on bonded winery premises. The entrance to the department may be from any part of the winery premises (other than the fortifying room) or it may lead directly into a public street, yard or passageway. (Secs. 2801 (e) (4), 3176, 3901, I. R. C.)

§ 178.57a *Consents of surety, covering aperitif wine or retsina wine.* Where a winemaker's operations are covered by a bond on Form 699 or Form 700, or a bond on Form 700–A, revised January 1946 or prior thereto, and such winemaker desires to produce or receive aperitif wine (other than vermouth) or retsina wine, he shall file consent of surety on Form 1533 covering such operations. (Secs. 3040, 3176, 3901, I. R. C.)

§ 178.136 *Essences, flavoring, coloring, etc.* Except as provided in §§ 178.136a and 178.137, winemakers may not add essences, extracts, flavoring, coloring matter, or similar nonfermentable materials to wine (including the juice or fruit) on bonded premises, before, during, or after fermentation. The addition of such materials to wine, or to the juice or fruit from which the wine is made, makes the product a spurious, imitation, or compound liquor within the meaning and contemplation of section 3254 (g), I. R. C., and for that reason constitutes rectification. If a winemaker desires to add such materials to wine (except in the production or manufacture of retsina wine, vermouth or other aperitif wine), he must tax-pay and remove the wine to a rectifying plant, where the materials may be added and the rectification tax of 30 cents a proof gallon paid on the finished product. (Secs. 2800 (a) (5), 2801 (e) (4), 3036 (a), 3044, 3045, 3176, 3254 (g), 3901, I. R. C.)

§ 178.136a *Retsina wine.* The restriction relative to the addition of flavoring material to wine does not apply to the production of retsina wine by the addition of resin before or during fermentation of grape wine, since the law makes special provision therefor. A statement of formula and process on Form 698—Supplemental must be filed pursuant to the provisions of § 178.156. The authority of law to produce retsina wine on bonded winery premises may not be construed as authorizing the production of products similar to retsina wine. (Secs. 3043, 3176, 3901, I. R. C.)

§ 178.145 *Fruit and berry wines.* * * *

(a) *Use of dry sugar for fermenting.* Where it is desired to use dry sugar for the purpose of perfecting such wines according to standards, as authorized in the preceding paragraph, there may be added to the unfermented juice sufficient dry sugar to raise the sugar content of the juice to a point necessary to produce (ferment) wine with an alcoholic content of not more than 13 percent by volume after complete fermentation or, if the wine is to be sweetened, after complete fermentation and sweetening. The sugar content, both natural and added, required to produce 13 percent alcohol by volume is 20.24 degrees Balling, after correction for temperature and deduction of 2 degrees for non-sugar solids. See Tables II, III, and IV in the Appendix, showing the Balling correction for temperature and non-sugar solids, and the quantity of sugar required, according to the Balling of the juice, to ferment 13 percent alcohol by volume.

(b) *Amelioration.* Where the juice or wine has natural deficiencies, whether dry sugar has been added as provided in paragraph (a) of this section or not, there may be added to the juice or to the wine, or both, a solution of water and pure cane, beet, or dextrose sugar, containing, respectively, not less than 95 percent of actual sugar, calculated on a dry basis, for the purpose of correcting such deficiencies: *Provided*, That the resulting product (1) must contain not less than 5 parts per thousand of acid before fermentation, (2) may not contain more than 13 per cent of alcohol after complete fermentation or, if sweetened, after complete fermentation and sweetening, and (3) may not be increased more than 35 percent in volume (60 percent where loganberries, currants, or gooseberries are used). The quantities of water and sugar composing the solution shall be in the proportion necessary to correct the natural deficiencies in the juice or wine. Where both the pulp and juice are deposited in the fermenters, the volume of the pulp must be excluded in calculating the quantity of sugar-water solution that may be added. The volume of the juice or wine, including the increase therein caused by the addition of the dry sugar where used, must be not less than 65 percent of the resulting product (40 percent where longanberries, currants, or gooseberries are used) and the sugar and water solution must be not more than 35 percent of the resulting product (60 percent where loganberries, currants, or gooseberries are used). The following table shows the maximum quantity in gallons of sugar-water solution that may be added to each thousand gallons of juice (exclusive of the pulp), based on the acid expressed in parts per thousand of citric acid (malic acid for apple juice):

Parts per 1,000 fixed acid	Gallons of juice	Gallons of sugar-water allowed
5.1	1,000	20.0
5.2	1,000	40.0
5.3	1,000	60.0
5.4	1,000	80.0
5.5	1,000	100.0
5.6	1,000	120.0
5.7	1,000	140.0
5.8	1,000	160.0
5.9	1,000	180.0
6.0	1,000	200.0
6.1	1,000	220.0
6.2	1,000	240.0
6.3	1,000	260.0
6.4	1,000	280.0
6.5	1,000	300.0
6.6	1,000	320.0
6.7	1,000	340.0
6.8	1,000	360.0
6.9	1,000	380.0
7.0	1,000	400.0
7.1	1,000	420.0
7.2	1,000	440.0
7.3	1,000	460.0
7.4	1,000	480.0
7.5	1,000	500.0
7.6	1,000	520.0
For all acidity over 7.6	1,000	[1]538.4

[1] Limitation not applicable to loganberry, currant, or gooseberry juice.

A maximum of 1,500 gallons of sugar-water solution may be added to each 1,000 gallons of loganberry, currant, or gooseberry juice. Where all of the sugar-water solution authorized is not used prior to or during fermentation, the remainder or any part thereof may be used, in addition to the dry sugar authorized in this paragraph to sweeten the wine after fermentation, provided the unfermented sugar content of the wine is not increased beyond 15 percent by weight, or 20 percent by weight where the wine is made from fruit (other than grapes) having a natural acid content not less than 7.5 parts per thousand.

(1) *Records.* When both the juice and the resulting wine are ameliorated with a sugar-water solution, there must be indicated on Form 701 that the resulting wine is to be further ameliorated, and there must be indicated on Form 702 that the juice is also ameliorated, in order that it may be determined that the total quantity of sugar-water solution used in both the juice and the resulting wine does not exceed the 35 percent limitation (60 percent in the case of loganberries, currants, or gooseberries). Each lot of juice and resulting wine so ameliorated must be numbered as Lot 1, Lot 2, etc., the same lot number being shown on Form 701 in which the amelioration of the juice is reported and on Form 702 in which the amelioration of the resulting wine is reported, together with the notation "See Form 702 for further amelioration," or "See Form 701 for prior amelioration," as the case may be.

* * * * *

§ 178.150 *Illustrations.* Wines made by the following methods come within the classification of nonstandard wines:

(a) The use of sugar in excess of the 11 percent limitation for sweetening;

(b) The development of more than 13 percent of alcohol by fermentation after the addition of sugar, or sugar-water solution within the 35 percent limitation (60 percent limitation for loganberries, currants, or gooseberries), where the alcoholic content is not reduced to 13 percent or less by the addition of sweetening material after fermentation; and

(c) The use of invert sugar, maltose, levulose, or glucose; or of cane, beet, or dextrose sugar containing less than 95 percent of actual sugar calculated on a dry basis. (Secs. 3036 (a), 3044, 3045, 3176, 3901, I. R. C.)

§ 178.152 *Labeling.* Substandard wines must be marked or labeled "Substandard _____ Wine," the blank to be filled in with the name of the fruit, berry, or other agricultural product used. In each instance all parts of the designation must appear in lettering of substantially the same size and kind. (Secs. 3176, 3901, I. R. C.)

§ 178.153 *Illustrations.* Wines made by the following methods come within the classification of substandard wines:

(a) The use of a sugar-water solution in excess of the 35 percent limitation (60 percent in the case of loganberry, currant, or gooseberry wine), or water in excess of the 10 percent limitation;

(b) The reduction of the acid content below 5 parts per thousand by the addition of water or sugar-water solution; and

(c) Wines required to be labeled "substandard" under section 21, class 8 (c), Regulations No. 4 (27 CFR, Part 4). (Secs. 3176, 3901, I. R. C.)

§ 178.157 *Rectification.* The filing of a statement of formula and process does not give the winemaker the privilege of making a rectified product on bonded winery premises. Except as provided in § 178.137, caramel, "True Fruit" flavoring extracts, or other coloring and flavoring materials (including juice or wine from another kind of fruit or berry), may be added to wine, only after the wine has been tax-paid and removed to a rectifying plant. Except as provided in § 178.136a, coloring or flavoring material may not be added to the juice or fruit before, during, or after fermentation. The mixing together of unfermented juices of different fruits or berries or agricultural products for the purpose of producing a formula wine is not rectification. (Secs. 2800 (a) (5), 2801 (e) (4), 3043, 3176, 3254 (g), 3901, I. R. C.)

§ 178.159 *Materials.* Formula wines must be produced by the fermentation of suitable fermentable materials, as provided in § 178.133. Nonfermentable coloring or flavoring materials may not be used in the manufacture, including cellar treatment, of such wines, except as authorized in the manufacture of vermouth, or other aperitif wine, retsina wine, champagne, sparkling wine, and artificially carbonated wine. The use of such nonfermentable coloring or flavoring materials constitutes rectification and may be done only at a rectifying plant. (Secs. 2800 (a) (5), 2801 (e) (4), 3176, 3254 (g), 3901, I. R. C.)

§ 178.162 *Blending.* A formula wine (other than heavy bodied blending wine) may not be blended with a wine made under another formula, nor with standard wine, except as provided in § 178.210. (Secs. 3176, 3254 (g), 3901, I. R. C.)

§ 178.182 *Manufacture.* Vermouth or other aperitif wine, conforming to standards of identity for vermouth or such other aperitif wine prescribed in Regulations No. 4 (27 CFR, Part 4), may be manufactured with fortified sweet wine on bonded winery premises in accordance with approved formulas and processes, as provided in §§ 178.183 to 178.187, inclusive. The vermouth or other aperitif wine may be manufactured only in a separate department of the winery premises. Such department shall be known as the vermouth or other aperitif wine department. No wine other than fortified sweet wine may be used in the manufacture of vermouth, or other aperitif wine, on bonded winery premises. No distilled spirits may be added to fortified sweet wine used in the manufacture of vermouth or other aperitif wine or to the vermouth or other aperitif wine during or after its manufacture: *Provided,* That approved essences, in the manufacture of which distilled spirits are used as an extractive and solvent, may be used in manufacturing vermouth or other aperitif wine in accordance with § 178.183. (Secs. 2801 (e) (4), 3176, 3901, I. R. C.)

§ 178.186 *Products other than vermouth or aperitif wines.* Flavored wines and other specialties may not be manufactured on bonded winery premises under the guise of vermouth or other aperitif wine. Only true vermouth or other aperitif wine may be made in the vermouth or other aperitif wine department of a winery, and the product must be definitely designated and sold as vermouth or as aperitif wine, as the case may be. (Secs. 2800 (a) (5), 2801 (e) (4), 3176, 3254 (g), 3901, I. R. C.)

§ 178.187 *Storage, etc., after manufacture.* Upon completion of manufacture in the vermouth or other aperitif wine department of the winery, the vermouth or other aperitif wine may be stored, blended, bottled, shipped, etc. (but not fortified or carbonated), in the same manner as wine, in the vermouth or other aperitif wine department, or elsewhere in the winery if it is kept separate and apart from wine and the containers are marked vermouth or aperitif wine, as the case may be. (Secs. 3176, 3901, I. R. C.)

§ 178.211 *Vermouth or other aperitif wines.* Vermouths may be mixed or blended with each other for the sole purpose of perfecting them according to commercial standards, but may not be mixed or blended with any other wines. Likewise, the same kinds of aperitif wines may be mixed or blended with each other for the sole purpose of perfecting them according to commercial standards, but may not be mixed or blended with other kinds of aperitif wines, or with any other wines. (Secs. 3043, 3176, 3901, I. R. C.)

§ 178.211a *Retsina wine.* Retsina wines may be mixed or blended with each other for the sole purpose of perfecting them according to commercial standards, but such wines may not be mixed or blended with other wines. (Secs. 3043, 3176, 3901, I. R. C.)

4. This Treasury decision shall be effective upon filing for publication in the FEDERAL REGISTER.

(Secs. 2800, 2801, 3036, 3040, 3043, 3044, 3045, 3176, 3254 and 3901 of the Internal Revenue Code (26 U. S. C. A. 2800, 2801, 3036, 3040, 3043, 3044, 3045, 3176, 3254 and 3901))

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: August 28, 1947.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 47-8238; Filed, Sept. 5, 1947; 8:46 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

TONGASS NATIONAL FOREST

CROSS REFERENCE: For order affecting the tabulation contained in § 201.1, see Public Land Order 402 under Title 43, *infra,* excluding certain tracts of land from the Tongass National Forest, Alaska, and restoring them to entry.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 402]

ALASKA

EXCLUDING CERTAIN TRACTS OF LAND FROM TONGASS NATIONAL FOREST AND RESTORING THEM TO ENTRY

By virtue of the authority vested in the President by the act of June 4, 1897,

30 Stat. 11, 36 (U. S. C. title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites, and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, Washington, D. C., are hereby excluded from the Tongass National Forest, and restored, subject to existing withdrawals and to valid existing rights, to entry under the applicable public-land laws:

TONGASS NATIONAL FOREST

U. S. Survey No. 2391, lot B, 2.50 acres; latitude 58°23'30" N., longitude 134°38'00" W. (Homesite No. 607, Triangle Group);
U. S. Survey No. 2450, lot 2, 4.38 acres; latitude 57°46'48" N., longitude 135°13'00" W. (Homesite No. 648, Tenakee Group).

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 29, 1947.

[F. R. Doc. 47-8222; Filed, Sept. 5, 1947; 8:48 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter II—Bureau of Community Facilities, Federal Works Agency

PART 211—ORGANIZATION

MISCELLANEOUS AMENDMENTS

Section 211.27 (11 F. R. 177A-576), entitled *Location of offices* is amended in the following respects:

1. Headquarters and present office location of Division No. 6 is changed from "710 Electric Building, Fort Worth 2, Texas" to "1003 Texas & Pacific Building, Fort Worth 2, Texas."

2. Headquarters and present office location of Division No. 9 is changed from "1631 Glenarm Place, Denver 2, Colorado" to "Room 420, New U. S. Custom House, Denver 2, Colorado."

(Sec. 3, 60 Stat. 238; 5 U. S. C., Sup., 1002)

PERE F. SEWARD,
Acting Commissioner of Community Facilities.

[F. R. Doc. 47-8219; Filed, Sept. 5, 1947; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENT OF SWEET POTATOES

CROSS REFERENCE: For an exception to the provisions of § 500.72 see Part 520 of this chapter, *infra.*

[General Permit ODT 18A, Revised-13A]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SHIPMENTS OF SWEET POTATOES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.508 *Shipments of sweet potatoes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of sweet potatoes:

(a) When the origin point of such freight is in the States of Maryland or Virginia and the destination point is any place east of a line consisting of the eastern boundary of the State of Minnesota and the Mississippi River south to New Orleans, Louisiana, and the quantity loaded in each car is not less than 20,000 pounds.

This General Permit ODT 18A, Revised-13A shall become effective September 3, 1947, and shall expire November 30, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, Pub. Law 188, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152, E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 3d day of September 1947.

J. M. JOHNSON,
Director of the Office of Defense Transportation.

[F. R. Doc. 47-8244; Filed, Sept. 5, 1947; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 11—ESTABLISHMENT, ETC., OF NATIONAL WILDLIFE REFUGES

WHEELER NATIONAL WILDLIFE REFUGE

CROSS REFERENCE: For order affecting the tabulation contained in § 11.1, see Title 18, Chapter II, *supra,* eliminating certain lands from the Wheeler National Wildlife Refuge and transferring jurisdiction over the lands to the Tennessee Valley Authority.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 913]

HANDLING OF MILK IN GREATER KANSAS CITY MARKETING AREA

RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER AND MARKETING AGREEMENT

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file written exceptions with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 5th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments were formulated was conducted at Kansas City, Missouri, on July 21-23, 1947, after the issuance of notice on July 11, 1947 (12 F. R. 4721).

The material issues on the record related to (1) the method to be followed in reconciling the receipts and utilization of milk, (2) increasing Class I and Class II prices, (3) the method of determining the Class III price, and (4) the butterfat differential to handlers.

Findings and conclusions. Upon the basis of the evidence adduced at such hearing it is hereby found and concluded that:

1. *The method of reconciliation.* No change should be made in the present method of reconciling receipts and utilization of milk.

The evidence fails to substantiate the claim that the present method of reconciliation creates inequity among handlers. The record indicates that the method which was proposed at the hearing would have increased the cost of milk to certain handlers who receive high test milk, but it fails to show that the present method is inequitable, or to afford a basis for an additional charge to these handlers.

2. *Class I and Class II prices.* It was proposed that the Class I premium over the basic price be increased from 75 cents to 90 cents during the months of April, July, and August, and to $1.20 during the months of September, October, November, December, January, February and March. Likewise it was proposed that the Class II price be increased from 50 cents to 65 cents during the months of April, July, and August, and to 90 cents during the months of September to March, both inclusive.

In support of these prices it was pointed out that there has recently been a change in the health ordinance of Kansas City, Kansas, requiring all producers to cool their milk with mechanical refrigeration. At the same time, Kansas City, Missouri, while its ordinance has not been changed, has undertaken a rigid enforcement which virtually makes mechanical refrigeration mandatory.

In the past both cities required that milk either be delivered within 2 hours of milking or reach the plant at a temperature of 70 degrees or less. When the present order was made effective the milkshed was fairly compact and milk could be delivered within 2 hours of milking. Since 1942, however, the milkshed has been greatly expanded and the number of producers has increased from an average of 1,411 in 1942 to 2,341 in May 1947. It is no longer practicable, or even possible in most instances, to deliver milk within 2 hours, and the average temperature of the water table in the milkshed is too high to permit cooling with well water. Thus milk must be cooled either with ice or by mechanical refrigeration.

Mechanical cooling is now mandatory in Kansas City, Kansas. The present rigid enforcement of the ordinance in Kansas City, Missouri, makes mechanical refrigeration virtually mandatory there since the cost of cooling with ice appears prohibitive. It appears that the cost of cooling milk would not exceed 10 cents per hundredweight. This figure includes maintenance and depreciation on the cooler as well as operating expenses. The producers indicated that additional expenses would be incurred through possible increases in hauling rates, enlargement of milk houses to accommodate coolers and related items. It is difficult, however, to evaluate properly such items. It is probable that they would be offset by the saving of time and labor that would result from the use of mechanical refrigeration. Therefore it appears that producers should be granted an average increase of 10 cents per hundredweight to cover the costs of cooling this milk.

It is further pointed out that during recent months the prices of manufactured dairy products on which the Class I and Class II prices are based have fallen rapidly in relation to feed costs and the prices of competing farm commodities such as hogs, beef, and grains. The record shows that from June 1946 to June 1947 there was an increase of 47 percent in the price of beef cattle, and an increase of 67 percent in the price of hogs. During the same period the returns from milk dropped 13 percent inclusive of the subsidy which was paid in June 1946. It can readily be seen that the production of beef and hogs appears very favorable when compared to dairying.

The territory in the vicinity of Kansas City is a diversified farm area and farmers can readily shift from dairying to other livestock. Therefore it appears necessary that the returns from dairying must be maintained fairly close to the returns from other livestock or a serious shortage of milk might develop in consequence.

A further reason advanced in support of increased prices is the damage that was done to crops during the floods that prevailed in the Missouri Valley and its tributaries during the late spring and early summer. It appears that in some parts of the milkshed corn and other feed crops were practically destroyed and, in consequence, producers will be required to purchase more feeds than usual during the fall and winter months.

It does not appear that these conditions would justify a permanent increase in the Class I and Class II premiums beyond that necessary to cover the cost of mechanical refrigeration. The record does however indicate the Class I and Class II prices should be fixed at not less than $4.96 per hundredweight and $4.71 per hundredweight, respectively, through March 1948. These prices are 29 cents per hundredweight below the average Class I and Class II prices for the period October 1946 to March 1947.

Seasonality of production is still a problem on the market. Both producers and handlers indicate that a greater spread between fall and winter prices is needed if a uniform production is to be attained. For this reason it appears desirable that the increase in the differentials which is justified by the requirement for mechanical refrigeration, should all be applied during the short months. Instead of increasing the premium 10 cents for 12 months they should be increased 20 cents for 6 months. Therefore it is proposed that the Class I and Class II differentials be increased to 95 cents and 70 cents, respectively, for the delivery periods of September to February, inclusive, and remain unchanged for the other months. This proposed increase in the fall and winter prices should result in a further shift of production to those months.

It is proposed that no action be taken on the proposal of the handlers that the condensery pay price be dropped from the order if a marketing agreement and order program is issued to regulate the evaporated milk industry.

At the present time such a program is highly speculative, and it appears that consideration of the proposal should be deferred until it is determined whether a marketing agreement program will be issued for the evaporated milk industry.

3. *The Class III price.* There is insufficient evidence in the record to justify basing the Class III price on the butternonfat dry milk solids formula which was proposed by the producers. A comparison of the Class III price, which is based on the paying price of 3 local plants, with the prices paid by other manufacturing plants located in or close to the milkshed indicates that the general level of price through the area is much higher than that of the plants used in determining the Class III price. While the evidence fails to justify adoption of the proposed formula, it is quite possible that had the evidence been more complete or had some other method of pricing Class III milk been advanced it would have been found proper to change the method of determining the Class III price. Since no alternative was advanced, however, there is no basis for making any change in the present pricing formula.

4. *Butterfat differential to handlers.* No change should be made in the present butterfat differential. Producers proposed that, if the Class III price formula which they proposed were adopted, the butterfat differential to handlers should be changed to correspond to the butterfat portion of the formula. Handlers proposed that the butterfat differential be changed to correspond to the producer differential.

At the present time the butterfat differential to handlers is equal to $\frac{1}{38}$ of the Class III price, which in turn is based on the price paid for milk for manufacturing by 3 local plants. These plants, as do most other plants in the area, buy milk on a straight butterfat basis, and for each point of fat in milk above or below 3.8 percent they add or deduct $\frac{1}{38}$ of the price paid for milk containing 3.8 percent butterfat. It appears reasonable that excess butterfat in Grade A milk should not be priced to handlers any lower than the price they are willing to pay for ungraded butterfat.

The evidence does not support the contention of handlers that the producer and handler butterfat differentials should be identical. The producer butterfat differential is based on the butter market and does not always bear a direct relationship to the price being paid for butterfat by plants in the area.

Detailed evidence was not presented with respect to the other proposals which were contained in the notice of hearing, and their proponents requested that no consideration be given them.

Proposed findings and conclusions. Briefs were filed on behalf of the Pure Milk Producers Association of Greater Kansas City, Inc., and on behalf of the Meyer Sanitary Milk Company and the Kansas City Milk Distributors Association. Every point covered in the briefs was carefully considered, along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that any findings and conclusions were proposed which are inconsistent with the proposed findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in the recom-

mended decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

Delete subparagraphs (1) and (2) of § 913.5 (a) and substitute therefor the following:

(1) *Class I milk.* The price per hundredweight of Class I milk shall be the price determined pursuant to paragraph (b) of this section plus 75 cents during the months of March, April, May, June, July, and August, and plus 95 cents during the remaining months: *Provided,* That for any delivery period prior to April 1, 1948 the price shall be not less than $4.96.

(2) *Class II milk.* The price per hundredweight of Class II milk shall be the price determined pursuant to paragraph (b) of this section plus 50 cents during the months of March, April, May, June, July, and August, and plus 70 cents during the remaining months: *Provided,* That for any delivery period prior to April 1, 1948 the price shall be not less than $4.71.

Filed at Washington, D. C., this 3d day of September 1947.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 47-8255; Filed, Sept. 5, 1947; 8:49 a. m.]

[7 CFR, Part 961]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

DECISION REOPENING HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp. 900.1 et seq., 11 F. R. 7737, 12 F. R. 1139, 12 F. R. 4904), a public hearing was held April 9, 10, 11, 1947, at Philadelphia, Pennsylvania, upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. A recommended decision by the Assistant Administrator, Production and Marketing Administration, with respect to the issues developed at the hearing and notice of opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER July 2, 1947 (12 F. R. 4274). Exceptions have been filed to that recommended decision on behalf of Inter-State Milk Producers Cooperative, Chester Co. Dairymen's Cooperative Association, United Farmers Cooperative, Milk Distributors Association of the Philadelphia Area, Inc., Martin Century Farms, Inc., Suburban Milk Dealers Association, Miller-Flounders Dairy, Inc., and jointly on behalf of Mifflin Creamery Co., Inc., Lancaster Milk Company, W. M. Evans Dairy Co., Inc., and Chenango Farm Products Co., Inc.

The recommended decision and the exceptions which have been filed by interested parties present altogether disparate conclusions with respect to major issues. Some exceptions contend that the action recommended by the Assistant Administrator was not fully explored and considered at the hearing and indicate that additional evidence may be available which was not presented at the hearing. While the evidence in the record may be sufficient to justify the recommended findings and conclusions of the Assistant Administrator, it is not so overwhelming, nor are the problems presently so urgent, as to require that action be taken immediately on a record which may be incomplete without affording all interested parties the opportunity to present additional material which may be of considerable assistance in reaching a well-considered result that will best accomplish the declared purposes of the act. It appears desirable, therefore, to secure a restatement of the proposals presented for hearing, a reexamination of the issues, and new or additional evidence on these matters, if any is available.

Accordingly, the hearing in this proceeding is hereby reopened for the taking of such additional evidence as may be offered and the consideration of additional or modified proposals, if any. The Assistant Administrator, Production and Marketing Administration, is directed, by appropriate notice to interested parties, to fix a date, time and place for the holding of such reopened hearing. He also is directed to afford reasonable prior opportunity to interested parties to submit additional or modified proposals to him for inclusion in such notice of hearing.

This decision filed at Washington, D. C., this 2d day of September 1947.

[SEAL] CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

[F. R. Doc. 47-8236; Filed, Sept. 5, 1947; 8:50 a. m.]

[7 CFR, Part 933]

HANDLING OF ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

DECISION WITH RESPECT TO PROPOSED FURTHER AMENDMENTS TO THE MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 47-8098, appearing at page 5853 of the issue for Saturday, August 30, 1947, the signature which appears at the end of the document should appear immediately preceding the text of the proposed order, followed by an italic center headnote reading: "*Order,*[1] *Amending the Order, as Amended, Regulating the Handling of Oranges, Grapefruit, and Tangerines Grown in Florida*".

NOTICES

TREASURY DEPARTMENT

Fiscal Service: Bureau of the Public Debt

[1947 Dept. Circ. 813]

1 PERCENT TREASURY NOTES OF SERIES B-1948

OFFERING OF NOTES

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 1 percent Treasury Notes of Series B-1948, in exchange for one and one-half percent Treasury Notes of Series A-1947, or one and one-fourth percent Treasury Notes of Series C-1947, both maturing September 15, 1947.

II. *Description of notes.* 1. The notes will be dated September 15, 1947, and will bear interest from that date at the rate of 1 percent per annum, payable with the principal at maturity on October 1, 1948. They will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of cus-

tomers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before September 15, 1947, or on later allotment, and may be made only in Treasury Notes of Series A–1947, or in Treasury Notes of Series C–1947, both maturing September 15, 1947, which will be accepted at par, and should accompany the subscription.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47–8237; Filed, Sept. 5, 1947; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8913, Amdt.]

CARL HANS RINGWALD AND ERNST WILLY RINGWALD

In re: Interests in mortgages owned by and debts owing to Carl Hans Ringwald and Ernst Willy Ringwald.

Vesting Order 8913, dated May 7, 1947, is hereby amended as follows and not otherwise:

By deleting from subparagraphs 2a and 3a of said Vesting Order 8913 the phrase "An undivided one-eighth (⅛)" and substituting therefor the phrase "An undivided one-eighth (⅛) of thirty thirty-eighths (30/38)."

All other provisions of said Vesting Order 8913 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 28, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–8254; Filed, Sept. 5, 1947; 8:48 a. m.]

[Vesting Order 9614]

ELIZABETH FOERDERUNG

In re: Stock owned by Elizabeth Foerderung also known as Elizabeth Foerdering. F–28–49–D–2, F–28–49–D–4.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Foerderung, also known as Elizabeth Foerdering, whose last known address is Altona A/Elbe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifty (50) shares of no par value common capital stock of Parmelee Transportation Company, 15 Exchange Place, Jersey City, New Jersey, a corporation organized under the laws of the State of Delaware, evidenced by certificate number NC09931, registered in the name of Miss Elizabeth Foerderung, together with all declared and unpaid dividends thereon, and

b. Ten (10) shares of no par value common capital stock of Republic Steel Corporation, Republic Building, Cleveland 15, Ohio, a corporation organized under the laws of the State of New Jersey, evidenced by certificate number NYCO 11622 for six (6) shares and certificate number NYCO 8513 for four (4) shares, registered in the name of Elizabeth Foerdering, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47–8245; Filed, Sept. 5, 1947; 8:47 a. m.]

[Vesting Order 9615]

HELENE GOTZ

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Helene Gotz, also known as Helen Goetz, deceased. F–28–23353–D–2.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Helene Gotz, also known as Helen Goetz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

Fifteen (15) shares of no par value common capital stock of Union Carbide and Carbon Corporation, 30 East 42nd Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number 180953, registered in the name of Mrs. Helen Goetz Wwe, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8246; Filed, Sept. 5, 1947; 8:47 a. m.]

[Vesting Order 9636]

OTTO DEITRICH

In re: Estate of Otto Deitrich, a/k/a Otto Dittrich, deceased. File No. D-28-9682; E. T. sec. 13489.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Dittrich, Bertha Dittrich, and Martha Dittrich, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Otto Deitrich, also known as Otto Dittrich, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Francis J. Mulligan, Public Administrator for New York County, as administrator, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8247; Filed, Sept. 5, 1947; 8:47 a. m.]

[Vesting Order 9645]

JOHN BAASCH

In re: Stock owned by John Baasch, F-39-225-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Baasch, whose last known address is c/o Kosaka Bussan Co. Ltd., 2, 3-chome Ginza, Chuo-ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

Eighty (80) shares of $50.00 par value capital stock of Anaconda Copper Mining Company, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Montana, evidenced by certificates numbered 584210 and 598845 for 20 shares each and 847327 for 40 shares, registered in the name of John Baasch, together with all declared and unpaid dividends thereon.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8248; Filed, Sept. 5, 1947; 8:47 a. m.]

[Vesting Order 9646]

HANS GUNTHER BAUER

In re: Bank account and bond owned by Hans Gunther Bauer D-28-4404-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Gunther Bauer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Citizens National Bank and Trust Company, Caldwell, New Jersey, arising out of a Savings Account, Account Number 13328, entitled Hans Gunther Bauer, Hermann H. Kind in Trust, and any and all rights to demand, enforce and collect the same, and

b. One (1) United States War Savings Bond, Series E, of $25.00 face value, bearing the number Q53800318E registered in the name of Hans Gunther Bauer, presently in the custody of Hermann H. Kind, 617 Mountain Avenue, North Caldwell, New Jersey, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8249; Filed, Sept. 5, 1947; 8:47 a. m.]

[Vesting Order 9652]

MINORU IINO

In re: Debt owing to Minoru Iino. F-39-5987-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minoru Iino, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

That certain debt or other obligation of The Yokohama Specie Bank, Ltd., San Francisco Office, San Francisco, California, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of a commercial checking account entitled Minoru Iino, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8250; Filed, Sept. 5, 1947; 8:47 a. m.]

[Vesting Order 9665]

ELSIE POOK

In re: Stock owned by Elsie Pook, also known as Elisa Pook. F-28-22384-D-2, F-28-22384-D-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsie Pook, also known as Elisa Pook, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty (20) shares of no par value common capital stock of Warren Brothers Company, 38 Memorial Drive, Cambridge, Massachusetts, a corporation organized under the laws of the State of West Virginia, evidenced by certificate number NYO2747, registered in the name of Elsie Pook, together with all declared and unpaid dividends thereon, and

b. Five (5) shares of no par value common capital stock of The Kroger Grocery & Baking Co., 35 East 7th Street, Cincinnati 2, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number NY/CO-81960, for two (2) shares and certificate number NY/CO74637, for three (3) shares, registered in the name of (Miss) Elisa Pook, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-8251; Filed, Sept. 5, 1947; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2132022]

CALIFORNIA

RESTORATION ORDER NO. 1223 UNDER FEDERAL POWER ACT

SEPTEMBER 2, 1947.

Pursuant to the determination of the Federal Power Commission (DA-638, California) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the land hereinafter described, having been withdrawn for Power Project No. 514 on June 20, 1924, is hereby restored for mining purposes only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818), and subject to the stipulation that if and when the land is required wholly or in part for purposes of power development, any structures or improvements placed thereon which shall be found to interfere with the proposed development shall be removed or relocated as may be necessary to eliminate interference with the power development without expense to the United States, its transferees or assigns:

Mount Diablo Meridian

T. 9 N., R. 10 E.,
sec. 23, E½NE¼SE¼.

The area described contains 20 acres.

The land is included in the first form reclamation withdrawal made January 15, 1942, pursuant to the act of June 17, 1902 (32 Stat. 388).

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-8223; Filed, Sept. 5, 1947; 8:48 a. m.]

[Misc. 2135868]

CALIFORNIA

RESTORATION ORDER NO. 1224 UNDER FEDERAL POWER ACT

SEPTEMBER 2, 1947.

Pursuant to the determination of the Federal Power Commission (DA-647, California) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, having been withdrawn for Power Project No. 864 on January 3, 1928, are hereby restored for mining purposes only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818):

Mount Diablo Meridian

T. 21 N., R. 7 E.,
sec. 4, lots 1 and 2, and NW¼SE¼.

The areas described aggregate 124.97 acres.

This order shall become effective at 10:00 a. m. on November 4, 1947.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-8224; Filed, Sept. 5, 1947; 8:48 a. m.]

[Misc. 2108578]

COLORADO

RESTORATION ORDER NO. 1226 UNDER FEDERAL POWER ACT

SEPTEMBER 2, 1947.

Pursuant to the determination of the Federal Power Commission (DA-260,

Colorado) and in accordance with 43 CFR 4.275(a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, having been withdrawn for Power Site Classification No. 374 by Departmental Order of March 23, 1945, are hereby restored for mining purposes only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818):

Sixth Principal Meridian

T. 12 N., R. 80 W.,
sec. 26, SW¼;
sec. 35, N½NW¼.

The areas described aggregate 240 acres.

This order shall become effective at 10:00 a. m. on November 4, 1947.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-8226; Filed, Sept. 5, 1947; 8:48 a. m.]

[Misc. 2138964]

CALIFORNIA

RESTORATION ORDER NO. 1225 UNDER FEDERAL POWER ACT

SEPTEMBER 2, 1947.

Pursuant to the determination of the Federal Power Commission (DA-652, California) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, having been withdrawn for Power Project No. 371 on January 13, 1923, are hereby restored for mining purposes only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818):

Mount Diablo Meridian

T. 1 S., R. 26 E.,
sec. 32, SE¼NE¼, and E½SE¼.
T. 2 S., R. 26 E.,
sec. 5, lot 1, and SE¼NE¼.

The areas described aggregate 180.48 acres.

This order shall become effective at 10:00 a. m. on November 4, 1947.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-8225; Filed, Sept. 5, 1947; 8:48 a. m.]

[Misc. 2143075]

CALIFORNIA

RESTORATION ORDER NO. 1228 UNDER FEDERAL POWER ACT

SEPTEMBER 2, 1947.

Pursuant to the determination of the Federal Power Commission (DA-649, California) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, having been withdrawn for Power Project No. 74 on October 25, 1920, are hereby restored for mining purposes only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818):

Humboldt Meridian

T. 12 N., R. 6 E.,
Sec. 4, SE¼SE¼NW¼NE¼, E½NE¼SW¼NE¼, SW¼NW¼SW¼NE¼, S½SW¼NE¼, NW¼, and NE¼SW¼;
Sec. 9, N½SW¼, N½NW¼SW¼SW¼, SW¼NW¼SW¼SW¼, W½NW¼SE¼, SE¼NW¼SE¼, and S½NE¼SE¼;
Sec. 16, W½NW¼, and NW¼SW¼.
T. 13 N., R. 6 E.,
Sec. 33, N½NE¼SW¼, SE¼NE¼SW¼, NE¼NW¼SW¼, SW¼SW¼, S½NW¼SE¼SW¼, SW¼SE¼SW¼, NW¼SE¼SE¼SW¼, and S½SE¼SE¼SW¼.

The areas described aggregate 590 acres.

This order shall become effective at 10:00 a. m. on November 4, 1947.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-8227; Filed, Sept. 5, 1947; 8:48 a. m.]

[Misc. 2144049]

COLORADO

RESTORATION ORDER NO. 1229 UNDER FEDERAL POWER ACT

SEPTEMBER 2, 1947.

Pursuant to the determination of the Federal Power Commission (DA-263, Colorado) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the land hereinafter described, having been withdrawn for Power Site Reserve No. 92 by Executive Order of July 2, 1910, is hereby restored for mining purposes only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818):

Sixth Principal Meridian

T. 12 S., R. 79 W.,
Sec. 8, E½SE¼.

The area described contains 80 acres.

The land is included in the first form reclamation withdrawal made June 3, 1946, pursuant to the act of June 17, 1902 (32 Stat. 388).

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-8228; Filed, Sept. 5, 1947; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-874]

UNITED GAS PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 3, 1947.

Notice is hereby given that, on September 2, 1947, the Federal Power Commission issued its findings and order entered September 2, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-8239; Filed, Sept. 5, 1947; 8:46 a. m.]

[Docket No. G-893]

UNITED GAS PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 3, 1947.

Notice is hereby given that, on September 2, 1947, the Federal Power Commission issued its findings and order entered September 2, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-8240; Filed, Sept. 5, 1947; 8:46 a. m.]

[Docket No. G-894]

UNITED GAS PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 3, 1947.

Notice is hereby given that, on September 2, 1947, the Federal Power Commission issued its findings and order entered September 2, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-8241; Filed Sept. 5, 1947; 8:46 a. m.]

[Docket No. G-937]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

AUGUST 29, 1947.

Notice is hereby given that on August 25, 1947, Cities Service Gas Company (applicant), a corporation organized under the laws of the State of Delaware, with its principal place of business at Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as

amended, authorizing Applicant to sell and deliver natural gas to The Central West Utility Company for resale and to construct and operate facilities described as follows:

A meter setting at a mutually convenient point to Applicant and The Central West Utility Company on Applicant's St. Joseph 18-inch gas pipe line near the northwest corner of Section 4, Township 13 South, Range 20 East, Douglas County, Kansas.

Applicant states that it proposes to furnish emergency service through the facilities above described to The Central West Utility Company for the supply of the cities of Bonner Springs, De Soto, Eudora, Lake of the Forest and Wilder, Kansas, when the available supply of The Commercial Gas Pipeline Company is inadequate, and applicant has available for delivery gas in excess of the requirements of its other customers.

Applicant further states that the estimated total over-all cost of the proposed facilities is $1,000.00. The cost will be financed from funds on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Cities Service Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-8221; Filed, Sept. 5, 1947; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-5, 70-1187]

WEST TEXAS UTILITIES CO. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 29th day of August A. D. 1947.

In the matter of West Texas Utilities Company, Central Power and Light Company, Central and South West Utilities Company, File No. 70-1187; The Middle West Corporation and its subsidiary companies, File No. 59-5.

The Commission having, by its order dated December 20, 1945, approved the sale and transfer of the utility assets and non-utility properties of Central Power and Light Company located in the Big Bend area of Texas to West Texas Utilities Company, both subsidiaries of Central and South West Corporation, a registered holding company and surviving corporation of a merger of Central and South West Utilities Company and American Public Service Company, subject, however, to the condition that West Texas Utilities Company interconnect the said Big Bend electric properties, excepting Presidio, with its present electric properties prior to December 31, 1946; and

The Commission having, by its order dated February 5, 1947, granted West Texas Utilities Company an extension of time until September 1, 1947 within which to comply with the above described condition contained in the order of December 20, 1945; and

West Texas Utilities Company having filed an application for extension of time until June 30, 1948 within which to comply with the Commission's order of December 20, 1945, said application reciting that in order to maintain adequate service on its system, the company found it necessary to divert material stockpiled for the Big Bend interconnection to other construction, that replacement materials now on order will not be received in time for the completion of the Big Bend interconnection prior to September 1, 1947, but that such materials will be had in time for completion of such interconnection prior to June 30, 1948; and

It appearing to the Commission that, in the light of the particular circumstances, it is appropriate to extend the time for compliance with the said order of December 20, 1945, as modified, from September 1, 1947 until June 30, 1948:

It is ordered, That the application of West Texas Utilities Company for an extension of time until June 30, 1948, within which to comply with the condition of the order of December 20, 1945, that the Big Bend electric properties, excepting Presidio, be interconnected with the present electric properties of West Texas Utilities Company be, and hereby is, granted.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8234; Filed, Sept. 5, 1947; 8:49 a. m.]

[File No. 70-1583]

SOUTHERN BERKSHIRE POWER & ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 29th day of August A. D. 1947.

Southern Berkshire Power & Electric Company, a subsidiary company of New England Electric System, a registered holding company, having filed a declaration in which section 7 of the Public Utility Holding Company Act of 1935 was designated as applicable to the proposed transactions:

Southern Berkshire Power & Electric Company proposes to borrow from The First National Bank of Boston, from time to time, a total amount of $200,000 and, for the purpose of evidencing said indebtedness, to issue its promissory notes to be due not later than one year after date of issuance and to bear interest at the rate of 1¾% per annum. The declaration states that the proposed borrowing is, in part, for the purpose of restoring current working funds and, in part, to pay the cost of construction authorized and in progress, and anticipated construction costs to June 30, 1948.

Said declaration having been filed on August 1, 1947 and the Commission having given notice of said filing in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8230; Filed, Sept. 5, 1947; 8:49 a. m.]

[File No. 70-1584]

CENTRAL MASSACHUSETTS ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 29th day of August A. D. 1947.

Central Massachusetts Electric Company, a subsidiary company of New England Electric System, a registered holding company, having filed a declaration in which section 7 of the Public Utility Holding Company Act of 1935 was designated as applicable to the following proposed transactions:

Central Massachusetts Electric Company proposes to borrow from The First National Bank of Boston, from time to time, a total amount of $700,000 and, for the purpose of evidencing said indebtedness, to issue its promissory notes to be due not later than one year after

date of issuance and to bear interest at the rate of 1¾% per annum. The declaration states that the company will require about $450,000 to pay anticipated construction costs between the present date and June 30, 1948, and $250,000 to pay a note of like amount due October 29, 1947, the proceeds of which were, in the first instance, used to pay construction costs.

Said declaration having been filed on August 1, 1947 and the Commission having given notice of said filing in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8232; Filed, Sept. 5, 1947; 8:49 a. m.]

[File No. 70-1585]

SALEM GAS LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 29th day of August A. D. 1947.

Salem Gas Light Company, a subsidiary company of New England Electric System, a registered holding company, having filed a declaration in which section 7 of the Public Utility Holding Company Act of 1935 was designated as applicable to the proposed transactions:

Salem Gas Light Company proposes to borrow from The First National Bank of Boston, from time to time, a total amount of $475,000 and, for the purpose of evidencing said indebtedness, to issue its promissory notes to be due not later than one year after date of issuance and to bear interest at the rate of 1¾% per annum. The declaration states that the proposed borrowing is, in part, for the purpose of restoring current working funds and, in part, to pay the cost of construction authorized, which, it is expected, will be completed by June 30, 1948.

Said declaration having been filed on August 1, 1947 and the Commission having given notice of said filing in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8231; Filed, Sept. 5, 1947; 8:49 a. m.]

[File No. 70-1586]

WACHUSETT ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 29th day of August A. D. 1947.

Wachusett Electric Company, a subsidiary company of New England Electric System, a registered holding company, having filed a declaration in which section 7 of the Public Utility Holding Company Act of 1935 was designated as applicable to the proposed transactions:

Wachusett Electric Company proposes to borrow from the First National Bank of Boston, from time to time, a total amount of $430,000 and, for the purpose of evidencing said indebtedness, to issue its promissory notes to be due not later than one year after date of issuance and to bear interest at the rate of 1½% per annum. The declaration states that the proposed borrowing is, in part, for the purpose of restoring current working funds and, in part, to pay the cost of construction authorized and in progress, and anticipated construction costs to June 30, 1948.

Said declaration having been filed on August 1, 1947, and the Commission having given notice of said filing in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-8229; Filed, Sept. 5, 1947; 8:48 a. m.]

[File No. 812-508]

NEWMONT MINING CORPORATION ET AL.

NOTICE OF APPLICATION

In the matter of Newmont Mining Corporation, Newmont Exploration Limited, East Utah Mining Company, File No. 812-508.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 2d day of September A. D. 1947.

Notice is hereby given that Newmont Mining Corporation, a registered investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the the provisions of section 17 (a) of the act a transaction whereby East Utah Mining Company, an affiliated person of the applicant, would purchase a certain lease and option agreement on mining property from Newmont Exploration Limited, an affiliated person of Newmont Mining Corporation.

All interested persons are referred to said application which is on file at the Philadelphia, Pennsylvania, offices of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after September 12, 1947, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than September 9, 1947, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-8233; Filed, Sept. 5, 1947; 8:49 a. m.]